

**RIPE FOR RIVALRY OR READY FOR PEACE: UNDERSTANDING THE
REASONS FOR THE SUCCESS AND FAILURE OF THE PEACE PROCESS
IN ACEH**

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TABLE OF CONTENTS

	Page
LIST OF TABLES	v
LIST OF FIGURES	vi
LIST OF ABBREVIATIONS	vii
ABSTRACT.....	ix
 CHAPTER 1 INTRODUCTION	 1
1.1 Background	1
1.2 Motivation	2
1.3 Research Plan	3
1.4 Dependent Variables (DV): Definition and Operationalization.....	4
1.5 Organization of the Thesis	9
 CHAPTER 2 EXISTING LITERATURE	 11
2.1 Classification of Existing Literature	11
2.2 Theories Based on the Precondition and Negotiation Process	12
2.2.1 Precondition.....	12
2.2.1.1 Ripeness	12
2.2.2 Domestic Political Settings	15
2.2.2.1 Democratic Peace.....	15
2.2.2.2 Political Change toward Democratization	16
2.2.2.3 New Leaders	18
2.2.3 International Context	19
2.3 The Negotiation Process	21
2.3.1 Pre-Negotiation	22
2.3.2 Negotiation Process and Mediation Success	23
2.3.2.1 Probability of Victory and Cost of Conflict.....	24
2.3.2.2 Duration of Conflict	25
2.3.2.3 Willingness and Motivation	25
2.3.2.4 Cohesiveness of the Party	26

2.3.2.5	The Role of a Third Party as Mediator	26
2.3.2.6	Characteristics of the Mediator	27
2.3.2.7	Mediator Behavior	28
2.3.2.8	The Nature of Issues and Negotiation Strategy	30
2.3.2.9	Dynamic Relationship between the Parties.....	34
2.4	Theories on Outcome of Agreement	35
2.4.1	Mechanisms within the Agreement	39
2.4.1.1	Disarmament, Demobilization and Reintegration Process (DDR) ..	40
2.4.1.2	Third-Party Guarantees	43
2.5	Political Settlement	46
2.5.1	Power Sharing	47
2.6	The Grand Theory of Peace Preparedness	48
CHAPTER 3 ANALYTICAL FRAMEWORK.....		52
3.1	Research Design.....	52
3.2	Readiness in the Pre-Condition and Negotiation Process	52
3.2.1	Pre-Condition	52
3.2.2	Negotiation Process	54
3.2.3	Readiness in the Outcome of the Agreement	56
3.3	Data Collection and Personal Involvement.....	58
3.4	Analysis of Data.....	64
3.5	Process Tracing and Comparison Methods.....	65
CHAPTER 4: COMPARISON AND ANALYSIS OF THE TWO PRE- CONDITIONS OF THE PEACE PROCESSES		67
4.1	Introduction	67
4.1.1	The Roots of the Movement.....	67
4.1.2	The Reform Era and the Open Dialogue with GAM.....	70
4.1.3	Military Operation and the Helsinki MoU	73
4.2	Ripeness, Readiness, and Motivation.....	75
4.2.1	The Precondition Process for the CoHA	76

4.2.2 The GoI: Perception of the Cost of Conflict and Future Catastrophe	77
4.2.2.1 Escalating Violence and Tension	77
4.2.2.2 The Pro-Referendum Movement	80
4.2.2.3 Risk of Future Catastrophe: Economic Impact and International Pressure	81
4.2.3 GAM: Feasibility of Winning	85
4.2.4 Precondition Process of the Helsinki MoU	87
4.2.4.1 The New President's Perception of the Ripeness	87
4.2.4.2 Cost of Conflict and Infeasibility of 'Truly' Winning	89
4.2.4.3 GAM's Internal Dynamics: Transition of Leadership	92
4.2.4.4 GAM's Perception of Ripeness: Weaknesses in International Diplomacy	94
4.3 Infeasibility of Victory	99
4.4 Conclusion	102

CHAPTER 5 MEDIATION AND NEGOTIATION DURING THE CoHA AND HELSINKI PROCESSES	104
5.1 Introduction: Optimism for the Success of the Negotiations	104
5.2 The First Negotiation Process: Geneva Peace Talks	104
5.3 The Pre-Negotiation Process: A Winding Road towards the CoHA	105
5.3.1 Preliminary Meeting: Precondition for Formal Negotiation	106
5.3.2 The Dynamic Options for Solution	108
5.4 Negotiation and Mediation Process	109
5.4.1 Process Leading to the CoHA	109
5.4.2 Starting Political Dialogue	112
5.4.3 Positional Bargaining	114
5.4.4 HDC: Obstacles as Facilitators	116
5.5 The Helsinki Peace Process	118
5.5.1 Pre-Negotiation: The Road to Helsinki	119
5.5.2 Preparation for Peace Talks: A Comprehensive Plan	122
5.5.3 The Influencing Condition: the Tsunami as a Strengthening Factor	125

5.5.4 The Negotiation and Mediation Process: Reciprocity of Optimism	128
5.5.4.1 Trust as the Basis of Negotiation	128
5.5.4.2 Negotiation Strategy: Self-Government, between Autonomy and Independence	131
5.5.4.3 The Mediator: Directive Behavior and a Clear Dialogue Frame ...	135
5.5.4.4 Back-Channel Approach: Heart-To-Heart Negotiation	139
5.6 Conclusion.....	141
CHAPTER 6 THE OUTCOME OF THE AGREEMENT	144
6.1 Introduction	144
6.2 Mechanism within the Agreement and the Party Guarantor	145
6.2.1 CoHA: The Failure to Build Commitment, an Unclear Mechanism and the Weaknesses of the Third-Party Guarantor.....	145
6.2.2 The Weaknesses of the Third-Party Guarantor	152
6.2.3 The Helsinki MoU: The Role of the Aceh Monitoring Mission (AMM) and the DDR Processes	155
6.2.4 Post-Agreement Dialogue	160
6.3 Political Processes in the CoHA and the Helsinki MoU	161
6.3.1 The CoHA: Short Life of the Agreement	161
6.3.2 The Helsinki MoU	163
6.4 Domestic Political Condition	166
6.4.1 Central Coalition during the Implementation of the CoHA	166
6.4.2 Civil–Military Relationship and Military Reform.....	168
6.4.2.1 Civil–Military Relations in the Context of the CoHA	173
6.4.2.2 Civil Military Relations in the Context of the Helsinki MoU	175
6.5 The Dynamics of GAM’s Position.....	176
6.5.1 GAM’s Position during the CoHA	177
6.5.2 Managing the Realistic Option in the Helsinki Peace Process.....	178
6.6 The Tsunami Effect on Peace-Building	181
6.7 The Failure of the CoHA as the Ripe Moment for the Helsinki Process	182
6.8 Conclusion.....	184

CHAPTER 7 CONCLUSION AND SUMMARY	186
7.1 The Conditions	186
7.2 Internal Dynamics	188
7.3 Trust, Back-Channel Dialogue, Media, and the Terminology	189
7.4 Tsunami Funds and post-Agreement Dialogue.....	190
7.5 The Special Autonomy and “Conditionality”	191
7.6 Epilogue	192
APPENDIX 1	194
APPENDIX 2.....	208
REFERENCES	217

LIST OF TABLES

	Page
Table 3.1 Factors influencing the peace process leading to the hypotheses of this thesis	57
Table 3.2 List of the author's involvement during the peace process in Aceh (1999–2005).....	60
Table 4.1 Factors that made the GoI and GAM agree to negotiate.....	101
Table 5.1 The GoI's position proposed by Kalla for the Indonesian delegation in peace talks (Awaludin 2008: 34).....	123
Table 6.1 Data on human rights violations during the peace talks.....	146
Table 6.2 Human rights violations after Presidential Instruction No. IV/2001	147
Table 6.3 Summary of the CoHA after five months of implementation.....	150
Table 6.4 Pre- and post-MoU incidents and impacts during 2005.....	155
Table 6.5 Weapons decommissioning and relocation by phase (2005)	158
Table 6.6 Lessons learnt from the CoHA.....	182

LIST OF FIGURES

	Page
Figure 1.1 Number of conflict incidents between the GoI and GAM, 1998–2005.....	7
Figure 1.2 Number of deaths, 1998–2012.....	7
Figure 1.3 Forms of violence in Aceh, 1998–2008.....	8
Figure 2.1 Conflict Type after the Cold War	20
Figure 4.1 Direct battle deaths in Aceh between 1990 and 2008.....	78
Figure 6.1 The GoI–GAM incidents by months	159

LIST OF ABBREVIATIONS

AMM = Aceh Monitoring Mission

ASNLF = Aceh Sumatera National Liberation Front

ASEAN = Association of South East Asia Nations

BPS = Badan Pusat Statistik / Central Statistics Agency

CMI = Crisis Management Initiative

CoHA = Cessation of Hostilities Agreement

DDR = Disarmament, Demobilization, Reintegration

DI = Darul Islam – Islamic State

DOM = Daerah Operasi Militer – Military Operations Area

DSF = Decentralization Support Facilities

DV = Dependent Variable

ENO = Enticing Opportunity

GAM = Gerakan Aceh Merdeka – Free Aceh Movement

GoI = Government of Indonesia

GOLKAR = Golongan Karya - Group of Functionaries

HDC = Henry Dunant Centre

HUDA = Himpunan Ulama Dayah Aceh – Aceh Ulama Association

IDP = Internally Displaced Person

IMC = Imminent Mutual Catastrophe

JCHA = Joint Committee on Humanitarian Action

JCSM = Joint Committee on Security Modalities

JSC = Joint Security Committee, during the CoHA

KKR

KNPI = Komite Nasional Pemuda Indonesia - National Committee of Indonesian Youth

KODAM = Komando Daerah Militer - Military Territory Command

Kopassus = Komando Pasukan Khusus - Special Force of Indonesia Army

LNG = Liquefied Natural Gas

LoGA, Law on Governing of Aceh

MEO = Mutually Enticing Opportunity
MHS = Mutually Hurting Stalemate
MoU = Memorandum of Understanding
MPR = Majelis Permusyawaratan Rakyat - People's Consultative Assembly
NAD = Nanggroe Aceh Darussalam – Province of Aceh Darussalam
NGO = Non-governmental Organization
NVMS = National Violence Monitoring Update
OTK = Orang Tak Dikenal (OTK), unknown perpetrator
POLRI = Polisi Republik Indonesia – Police of the Republic of Indonesia
RQ = Research Question
SIRA = Sentral Informasi Referendum Aceh – Information Center for the Aceh Referendum
TNI = Tentara Nasional Indonesia – Indonesian National Armed Forces
UCDP = Uppsala Conflict Data Programme
WO = Way Out

ABSTRACT

Much of the existing literature describes a successful peace process as the embellishment of an agreement. In fact, signing a peace agreement does not necessarily mean a lasting peace. The peace process between *Gerakan Aceh Merdeka* (GAM) or the Free Aceh Movement and the Government of Indonesia (GoI), or the central government, provides a unique and remarkable example of the dynamics of a peace process. This thesis presents a comprehensive analysis of the peace process in Aceh. Institutional, structural and historical elements of the process are thoroughly reviewed to capture its dynamics. This thesis indicates that the failure and success of a peace agreement substantially depend on the perception of the two conflicting parties of the existing conditions that shape their motivation and optimism concerning the peace process. Hence, certain conditions that can shape mutual motivation of both conflicting parties are instrumental in resolving dispute and building peace. The present thesis offers a useful lesson and a significant contribution for policy makers, scholars, and peace practitioners in conflict resolution, peace-building and peace implementation efforts in Aceh and beyond.

CHAPTER 1

INTRODUCTION

1.1 Background

The Aceh conflict was one of the longest conflicts in Indonesia and in Asia. The dispute started approximately over five decades ago when some religious leaders in Aceh declared the *Darul Islam* (DI) in 1953, a movement aimed to establish an Islamic State in Aceh. This movement was a reaction against the Indonesian government's policy to eliminate Aceh's status as a province of Indonesia and merge it with North Sumatra in December 1949. This frustrating state of affairs resulted in a long dispute between DI and the GoI and marked the beginning of the clash between Aceh and the GoI.

The conflict between DI and the GoI lasted for four years before the latter initiated a peace talk with DI in an attempt to end the dispute. The result of this talk was the establishment of *Daerah Istimewa Aceh* or Special Province of Aceh on 16 May 1959, a status that gave Aceh the privilege of relative autonomy in education, religious affairs, and customary law. Alas, this special status was never entirely implemented. As a result, the frustration and resentment of the Acehnese people towards the GoI only grew deeper and more intense.

On 4 December 1976, Teungku Hasan Muhammad di Tiro, better known as Hasan Tiro, who came from a charismatic family of heroes in Aceh, declared a resistance movement known as the Free Aceh Movement or *Gerakan Aceh Merdeka* (GAM) as a reaction to the many instances of inequity and injustice that the Acehnese had had to endure due to the exploitation of their natural resources by the GoI, exacerbated by the latter's empty promise concerning the special autonomy status of Aceh that had never been implemented. To counteract this movement, the GoI deployed its military forces to Aceh and subsequently, for nearly three decades, Aceh was plunged into the darkest period in its history.

Only in early 2000, almost 25 years since GAM had been instituted, did the first talk between GAM and the GoI begin. This first contact was mediated by the Henry Dunant Center (HDC) after the democratic reform in Indonesia. The negotiation process between GAM and the GoI took nearly three years before both parties eventually agreed to sign the Cessation of Hostilities Agreement (CoHA) in December 2002. However, the agreement only survived for six months. In May 2003, a military operation was declared once again to eliminate the existence of GAM in Aceh.

After one and a half years of military operation, both parties agreed to return to the negotiating table. In early 2005, Crisis Management Initiative (CMI), an organization that focuses on international mediation and conflict resolution led by the former President of Finland, Martti Ahtisaari, opened the new mediation process between GAM and the GoI to end the conflict in Aceh. The five-round peace talks were conducted within eight months, starting in January 2005. On 15 August 2005, the Memorandum of Understanding (MoU) between GAM and the GoI was signed in Helsinki. Since the start of the long conflict between Aceh and the GoI, four peace agreements were held, first with the Lamteh Pledge (*Ikrar Lamteh*) on 8 April 1957, then the Blang Padang Pledge (*Ikrar Blang Padang*) on 22 December 1962, the Cessation of Hostilities Agreement on 9 December 2002 (Hamzah, 2014: 355), and the Helsinki MoU in 2005 that finally marked the end of the long conflict in Aceh.

1.2 Motivation

Peace is notoriously hard to achieve and to maintain, particularly between the two enemies involved. Efforts to end disputes between two conflicting parties can involve mediations and negotiations expected to yield a long and sustainable peace. However, not all peace agreements are lasting and durable.

The dynamics of the peace process in Aceh represent a unique and remarkable example of a successful conflict resolution. However, there has been no systematic and comprehensive analysis of how the peace settlement in Aceh was made consensual, relevant on the ground, and sustainable. Therefore, this thesis aims to integrate the analysis of the peace process in Aceh with the general peace theories to arrive at a comprehensive understanding of the key success of a peace agreement.

This thesis systematically explains the relationship between the peace process modalities and success by using the existing theories and empirical tracing of the processes. In addition, it presents a comparison between the Helsinki MoU and the CoHA by exploring and examining the influential factors determining the success and failure of the two agreements. Furthermore, the present thesis reveals the relations between the domestic political setting, international context and internal dynamics of the conflicting parties through their own perspectives. One of the interesting elements of the two agreements is the perception of GAM concerning the right to special autonomy

proposed by the GoI. This thesis indicates that although the right to autonomy is a formula to alleviate the grief and end the oppression, it cannot be directly implemented without some preconditions. This strategy, indeed, requires the genuine support and involvement of GAM. Finally, the present study describes how the right to autonomy and self-determination was accepted as a political solution in 2005, which was then translated into the Law on the Governing of Aceh (LoGA).

Aceh's autonomy is a model that can be adopted to settle other separatist insurgences in Indonesia, Southeast Asia and beyond. The author expects that this thesis will contribute to expanding the existing peace process theories, and provide a useful reference for peace activists, practitioners, policymakers, analysts and other peace movements in conflict resolution, peace building and peace implementation efforts.

1.3 Research Plan

This thesis aims to explain the factors behind the success of the peace process in Aceh and the durability of a peace agreement. It addresses the following research questions:

1. Which factors made both parties agree to negotiate?
2. Which factors prevented both parties from reaching a full agreement in the CoHA and made both parties agree to sign a full settlement agreement in the Helsinki MoU?
3. Why did the CoHA fail and why did the Helsinki MoU yield a successful outcome and create a durable peace?

To answer these questions, various general hypotheses concerning the relationship between the peace process modalities and their relation to success are examined. The qualitative research design is used to answer the aforementioned research questions. Specifically, the author utilizes the theory-guided process-tracing method (Falleti, 2006), which is based on alternative theories in addition to the historical analysis of events and the methods of comparative studies.

The present thesis aims at a grand theory that may address the three phases of the peace process in a single explanation. A theoretical framework was built based on the existing peace process literature focusing on the following three phases:

1. Preconditions of negotiation (ripe moment theory, socio-psychological theories, synchronization theory);

2. Negotiation process theories (principled negotiation theory, mutual gain approach, bargaining theories);
3. Theories that explain success on the basis of the agreement text and the role of a third party (the theory of agreement and the theory of third-party guarantor).

1.4 Dependent Variables (DV): Definition and Operationalization

To operationalize the research questions (RQ), observable indicators were used to represent the abstract elements of the questions.

1. DV considered for RQ 1: *Which factors made both parties agree to negotiate?*

The concept of agreeing to negotiate in this thesis means that the GoI and GAM consented to discuss interactively and to bargain their dispute of interest, including their political position in settling the conflict in Aceh. According to Rubin and Brown (1975), when parties agree to negotiate, the negotiators from both sides will work together to formulate agreements about the issues in conflict.

2. DV considered for RQ 2: *Which factors prevented both parties from reaching a full agreement in the CoHA and made both parties agree to sign a full settlement agreement in the Helsinki MoU?*

A peace agreement is an agreement signed by at least two conflicting parties to address the problem of incompatibility, either by settling all or part of it, or by clearly outlining a process concerning the way the warring parties plan to regulate the incompatibility (Högbladh, 2006: 10). However, success in reaching an agreement is not a matter of an either/or question. According to Högbladh (2006: 3), there are three types of agreement:

- A peace process agreement is defined as an accord through which at least one conflict dyad agrees to initiate a process to settle the incompatibility. A typical peace process agreement has a detailed agenda for talks, but the parties only agree to initiate negotiations on substantial issues in some cases, such as the territorial status of a region.
- A partial agreement is defined as an accord in which the parties in at least one dyad agree to settle part of the incompatibility. Some peace processes deal with one issue at a time in partial agreements, and the conflict is not regarded as solved until a final agreement has been signed.

- A full agreement is defined as an accord where the conflicting parties agree to settle all incompatibility issues and provide space for a political solution. This is the end result of a comprehensive agreement combined with the necessary implementation agreements. Generally speaking, peace-making efforts tend to be focused on reaching comprehensive agreements. Full agreements seek to make the conflicting parties agree to resolve all major issues.

The CoHA was a partial agreement that focused on confidence building and security issues before a final agreement was reached.¹

Unlike the CoHA, the Helsinki MoU is part of a full settlement agreement in which the conflicting parties signed an agreement to settle all their incompatibilities permanently, which was confirmed in the preamble of the Helsinki MoU: “The GoI and GAM confirm their commitment to a peaceful, comprehensive and sustainable solution to the conflict in Aceh with dignity for all.” The full agreement includes the following components: Governing of Aceh (Law on the Governing of Aceh/LoGA, political participation, economic concession, and rule of law), human rights, amnesty and reintegration into society, as well as security arrangements.

3. DV considered for RQ 3: Why did the CoHA fail and why did the Helsinki MoU yield a successful outcome and create durable peace?

The implementation of agreement is an important criterion for the success of a peace process. Only if the agreement is implemented can we conclude that peace has been materialized. Secondly, success depends on whether or not the agreement and the peace process can actually manage to reduce political violence between the two conflicting parties. According to Bercovitch (1995), mediation is successful when the conflicting parties have made a considerable and positive difference in the management of a conflict and their subsequent interactions. Limited success of mediation is defined when it has only achieved a ceasefire or a break in hostilities. Bercovitch (1995: 10) also defines failed mediation as a mediation that has no discernible or reported impact on the dispute or the parties’ behaviour.

¹“...The agreement was only the first stage in a confidence-building process, however, and did not attempt to resolve the crucial issues dividing the two sides. Only after hostilities had been reduced would it be possible to move on to the next stage in the process – the all-inclusive dialogue – at which substantive issues would be addressed.” Aspinall & Crouch, 2003: 46

This thesis defines the implementation of a peace agreement in the following dimensions:

- The success of the Disarmament-Demobilization and Reintegration (DDR) process. Here, the objective is to contribute to security and stability in a post-conflict environment so that recovery and development can begin. Disarmament is the first step, which includes collecting, controlling, disposing and documenting small arms, ammunition, explosives as well as all light and heavy weapons owned by combatants, and, often those in the possession of civilians. Demobilization is the formal and controlled discharge of combatants from armed forces or other armed groups. Reinsertion is the assistance offered to ex-combatants during demobilization but prior to the longer-term process of reintegration. Reinsertion is a form of transitional assistance to help cover the basic needs of ex-combatants and their families. Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a socio-economic process with an open time frame, primarily taking place in communities at the local level.²
- The success of the DDR process following the signing of the CoHA is in contrast to the Helsinki MoU: even though both the GoI and GAM agreed to sign the agreement in 2002, it did not result in any impact in the field. In respect of the DDR process, the Helsinki MoU successfully passed the decommissioning and demobilization phase. Based on the Aceh Monitoring Mission (AMM) report, by the end of December 2005, the AMM had disarmed 840 GAM weapons and the GoI had relocated its non-organic troops/TNI and the Police.
- The number of incidents and casualties can be used as an indicator to measure the success of a peace agreement. These indicators include armed conflict incidents between the Indonesian military and GAM, in addition to casualties from both conflicting parties and civilians. Using these indicators, the research examines the reality of peace in the field. Based on data collected by the World Bank, there was a significant impact on the stability and security condition in Aceh following the signing of the agreement. The Helsinki MoU was successful in de-escalating the separatist conflict, as shown in Figure 1.1.

² See the United Nations website on DDR: <http://www.unddr.org/whatisddr.php>

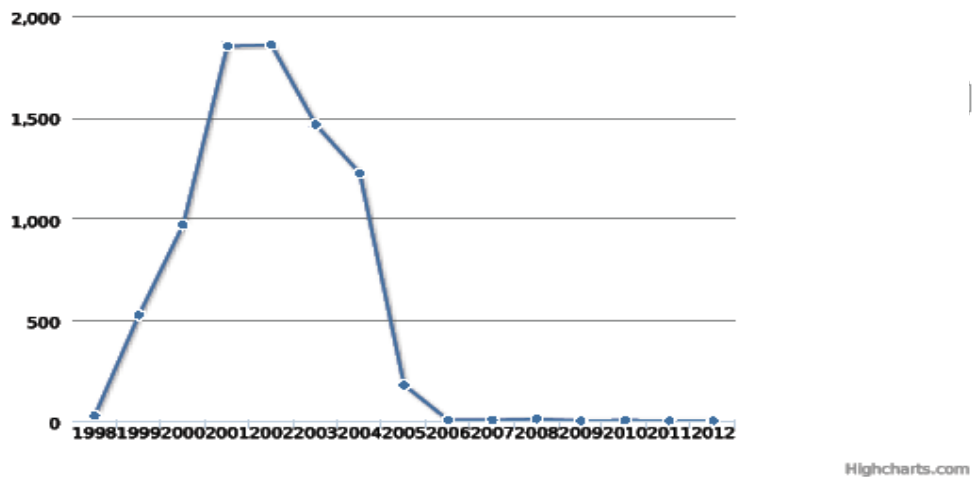


Figure 1.1 Number of conflict incidents between the GoI and GAM, 1998–2005
(Source: National Violence Monitoring Update)

Note that based on the NVMS and data that were collected from the media, the number of deaths remained quite high despite the on-going CoHA peace process in 2000–2003 and only decreased significantly after the Helsinki MoU in 2005, as shown in Figure 1.2.

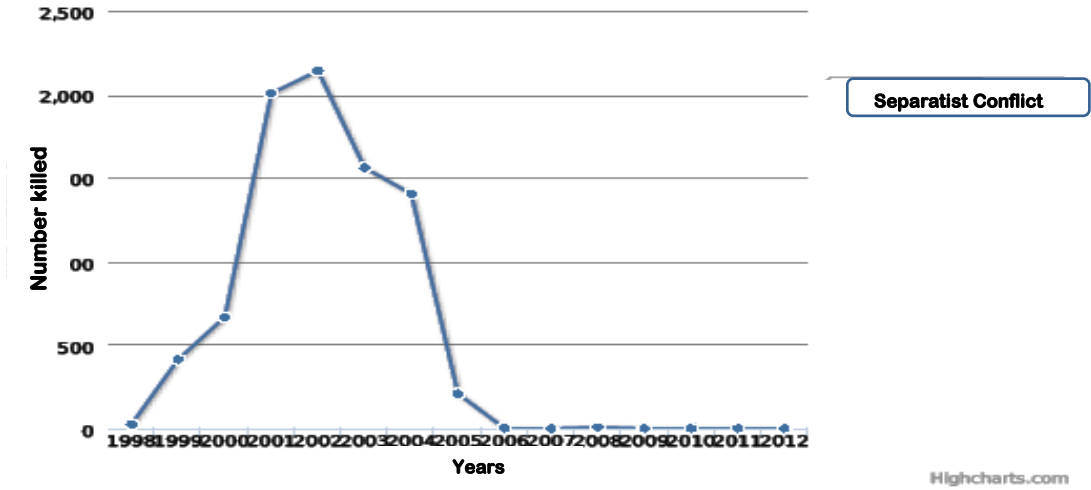


Figure 1.2 Number of deaths, 1998–2012
(Source: National Violence Monitoring System)

Based on the NVMS data, although which forms of violence statistically declined after the Helsinki MoU, various agreement violations still occurred during and after the negotiation process (refer to Figure 1.3).

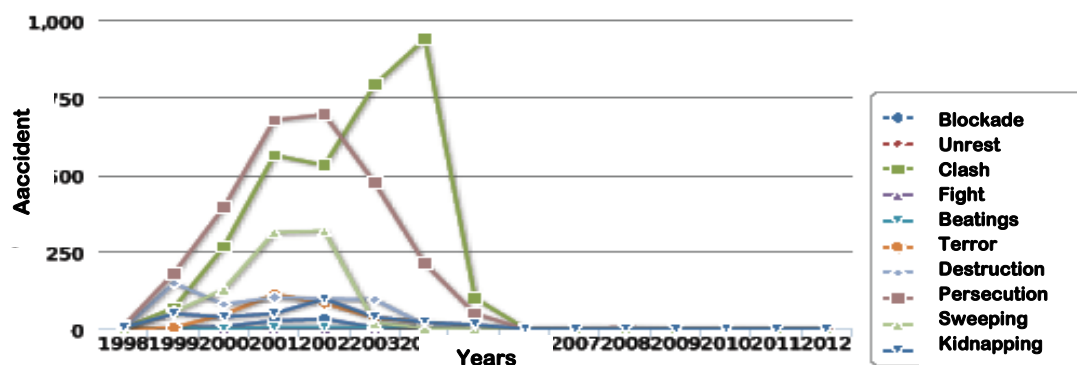


Figure 1.3 Forms of violence in Aceh, 1998–2008
(Source: National Violence Monitoring Update (NVMS))

Furthermore, while the durability of peace is usually defined as the absence of organized violence, there are only a few clearly stated or reasonably comprehensive definitions of what constitutes a “durable” agreement. The Swedish Uppsala Conflict Data Program (UCDP) in Sweden defines a peace agreement as durable as long as it is implemented. Furthermore, such an agreement “... has failed the date when one of the parties states that the agreement is annulled, or if violence clearly shows that one or both parties have left the agreement”.³ The duration of peace in the case of the CoHA is defined as the period between the end of the conflict and the beginning of the new one (military operation in May 2003), or, in the case of the Helsinki MoU, between the end of the negotiation process and the end of the timeline over which Aceh was observed (usually set in April 2009, corresponding to the 2009 national elections). Other concerns about the durability of an agreement include the following:

³Source: http://www.pcr.uu.se/database/definitions_all.htm

- The length of time an agreement lasts. It measures the number of years of peace from the moment of signing the agreement until the government and at least one of the other signatories engaged in armed conflict, or, if peace has gained, to the last year of observation in the period under research (Nilsson, 2008: 10 – 11)
- Implementation and adherence to the agreement by the parties; this definition captures the behaviour of the parties and their commitment to the agreement. This concerns the steps and measures taken to carry out the commitments made by either primary or third parties, such as implementation or any violation of the terms of the original agreement. In this phase, increased commitment and trust among the conflicting parties are also indicators of peace that can be measured through the number of incidents and casualties. It also concerns honouring and living by the terms of the agreement over the longer term. However, the difficulty with durability is that this thesis only examines the peace process, not the post-conflict peace building, and that both of these affect the durability of the agreement. While this does not pose a problem for the operationalization of the independent variable, it is a matter to keep in mind in the process of tracing route from the peace process modalities to durability.

1.5 Organization of the Thesis

This thesis is divided into seven chapters. The first chapter introduces the problem and the purpose of the study. Chapter 2 focuses on literature review relevant to peace process. This chapter integrates the existing theoretical literature into the current research project. Chapter 3 presents an overview of the review from the previous chapter and how it is used as an analytical tool for the empirical investigations. The structure of the existing literature and analytical framework is based on the readiness theory developed by Dean Pruitt (2005). This theory is used as a tool to bind the existing elements of theory into a coherent analytical framework.

Chapters 4, 5 and 6 discuss the empirical analysis of the peace process. Chapter 4 explains the pre-condition of the peace process in Aceh, including the historical background of the conflict. Chapter 5 focuses on the negotiation and mediation process, and Chapter 6 discusses the outcome of the agreement and factors contributing to the durability of peace.

Finally, Chapter 7 summarizes the research findings, conclusions, and recommendations that can be utilized to inform future studies and policies.

CHAPTER 2

EXISTING LITERATURE

2.1 Classification of Existing Literature

This chapter reviews the existing literature relevant to peace process and the success and failure of dialogues, mediations, and negotiations as components of a peace process. Analyses of theories, data, reports and case studies reveal factors and logical reasons behind the success and failure of a peace process. The authors specifically identify and analyse a grand theory to explain the association and/or causal relationship between the identified factors and the success or failure of a peace process, from the initial peace talk to the implementation of the peace agreement.

To specifically analyse the theories relevant to the phase or stage of a peace process, this author has classified the theories into two major clusters. The first cluster consists of theories relevant to the precondition of a negotiation process that includes the precondition theories and the ripeness theory. It encompasses theories relevant to the question that addresses the factors that made both parties agree to negotiate and finally sign a full settlement in the Helsinki MoU and those that made them fail in the CoHA. While the precondition theories explain factors that influence the conflicting parties to agree to settling the conflict through negotiation, the ripeness theory is identified as an entry point to the explanation of the pre-conditional factors and their contribution to the negotiation process.

The next theoretical review covers the negotiation process, which involves elements of pre-negotiations, the negotiation processes, and the success of mediations. Here, various theories are assessed to answer the main questions concerning the way a negotiation process reaches settlement, the roles of mediators, and other elements that have contributed to this process.

The second cluster consists of theories relevant to the implementation of peace agreement and its durability. This cluster reviews theories relevant to explaining why the Helsinki MoU was able to be translated into sustainable peace while the CoHA failed, and to seek the factors of the peace process that influence the durability of the Helsinki MoU and the CoHA. Theories in this cluster include the mechanisms of agreement theories, the theories of third-party guarantors, and political process theories.

In addition to the two major clusters of theories, this chapter also presents a grand (or overarching) theory that covers cross-cluster theories and elucidates the research questions in an integral and coherent fashion. The grand theory is important to finding core answers to the research questions and identifying the main variables behind the research questions.

2.2 Theories Based on the Precondition and Negotiation Process

The precondition stage is identified as a period when the initiative of the peace process was undertaken, up until the conflicting parties signed the agreement. Theories within this cluster include (1) the ripeness or right-moment theory, (2) domestic settings, including intra-party and inter-party dynamics, political change, and willingness, and (3) international settings.

2.2.1 Precondition

2.2.1.1 Ripeness

The concept of ripeness was introduced by I. William Zartman (1989) and further developed by Pruitt (2005), Mitchell (1995), Rubin (1991), Haass (1988), Stedman (1996) and others. The notion of ripeness indicates a moment when the conflict is ready to be solved through negotiations between dyads. Ripeness as “the right time” or appropriate set of circumstances occurs when conflicting parties confront a costly impasse or stalemate, such as military tactics that have failed and the costs of future escalation of conflict that have become intolerable (Zartman, 1989; Rubin, 1991; Mitchell, 1995; Pruitt, 2005). The stalemate is thus based on a cost/benefit analysis (Touval & Zartman, 1985: 258–60) and relies on several consequences of conflict, such as the inability to bear the cost, subjective expression of pain and impasse, the nature of casualties, and other similar indicators of stalemate.

Several references in the literature have identified various facets of ripeness, the first being the *mutually hurting stalemate* (MHS) initiated by Zartman (1985), and elaborated on later by Haass (1988) and Stedman (1996). The main idea of MHS is a circumstance in which the conflicting parties believe that it is not possible to achieve victory by continuing their current strategy and that the only way to avoid a stalemate is to find a joint resolution through negotiation. The second model is the *imminent mutual*

catastrophe (IMC), also initiated by Zartman (1985). The main argument of IMC is that ripeness occurs when conflicting parties face some sort of imminent major catastrophe. Some conditions related to this include an exponential increase in the cost of the conflict including social, economic and political cost, undeniable disaster, and the perception that it is impossible to reach victory through the current strategy. The third model is the *enticing opportunity* (ENO) model, originally introduced by Crocker (1992) and Mitchell (1995). The main idea of ENO focuses on the leaders' initiative to change their mind-set in relation to the existing policy in favour of a peaceful solution. Here, ripeness occurs when conflicting parties are in favour of leaving behind the costly struggle and start looking for alternative ways to achieve their goals. Third-party peacemakers can assist in creating such favourable circumstances, the ripe moment for leaders and the offer of a mutually beneficial solution.

On the other hand, and in relation to the de-escalation process, there are two dimensions of ripeness: external and internal ripeness (Mitchell, 1995: 11–13). External ripeness includes the overall conflict system, parties, their condition and relationship. Here, ripeness is produced as part of the conflict process itself or is embedded in it, such as the hurting stalemate and impeding catastrophe model, which, most likely, creates the condition in which conflicting parties will agree to negotiate, since no party can reach victory by continuing their current strategy without unbearable costs at this stage. The main idea behind external ripeness is a circumstance that leads both parties to reconsider their existing strategy to avoid a sudden increase in damage being sustained or in anticipation of a catastrophe. Moreover, all the external conditions created around the ripeness will influence the party in reaching a solution in their own interests.

Internal ripeness reflects the condition within the conflicting parties, which, in turn, influences the external condition to be translated into a willingness to seek a peaceful resolution (Mitchell, 1995: 11). The internal dimension of the parties in conflict, such as regime change, change in power relations, the rise of new leaders, or emergence of a divided leadership, tends to change the objective criteria of the settlement, and, in turn, the strategy and tactics in mediation (Haass, 1998). The perception of ripeness is thus directly related to an individual and collective expression of search for a settlement. During this step, the willingness from both parties will direct the conflict towards a resolution. Willingness can be a function of internal political

changes when the new political leaders perceive the conflict from a different perspective, which motivates them to develop a pragmatic solution. Ripeness then comes as the moment when both parties are willing to accept a peaceful settlement (Kleiboer, 1994: 112). The internal dimension variables, as the ‘appropriate condition’, exert a significant influence on the overall ripeness of the conflict, in which the ripeness is mainly created from the perception of the processes that are internal to the parties in the conflict (Stedman, 1991: 236–37).

Based on the explanation above, the external and internal ripeness conditions are interrelated and rely on the interaction between the external conditions and the leaders’ perceptions and decision as to whether external ripeness will be seized (Mitchell, 1995: 12). It is noteworthy that external conditions alone cannot be taken as a ripeness indicator without the internal perception and willingness of the party leaders, which becomes a key element when the party engages in conflict resolution. Thus, it is necessary to further elaborate on certain factors, such as the willingness of the main parties, the internal settings of a party and how external ripeness influences leaders in the process of seeking conflict resolution. Consequently, this thesis focuses on the relations between external ripeness and internal perception and the decision towards a peaceful settlement. With this in mind, the internal settings of parties are further elaborated upon, followed by a discussion on additional elements, such as the domestic political settings, which although they do not necessarily fall under the ripeness theory still bear a direct correlation to the topic.

Finally, the last element of ripeness is the concept of an alternative *way out* (WO), as introduced by Zartman (2001). This is when the internal and external ripeness have interacted, and subsequently both parties start to perceive that they can reach a possible solution through negotiation. A sense of WO is necessary when the conflicting parties share a common need to end the conflict and have the willingness to start the negotiation process. Without this sense of WO, both parties will be trapped in a stalemate.

2.2.2 Domestic Political Settings

2.2.2.1 Democratic Peace

The next variable in the context of preconditions is the domestic political setting. Does the type of existing political system affect the chances of successful conflict management? Several scholars have pointed out that a successful mediation is most likely to occur when a hurting stalemate or impending catastrophe develops between the conflicting parties in which both sides have to pay a high price if they stay in conflict without achieving any tangible goals. Nevertheless, the mediation success is not determined by these ripeness factors alone, but also by the way the political system itself ‘creates’ or responds to the hurting stalemate and impending catastrophe (Mitchell, 1995: 3).

The political system within a party remains one of the important elements leading to de-escalation of conflicts. Hence, ripeness will lead to resolution when seized at the right moment in response to the political system, the perception of leaders, or the mediator (Stedman, 1991). Some studies, such as those by Baker (1996) and Azpuru(1999), have found that democratic structures can offer an effective means for the peaceful handling of a deep-rooted conflict through an inclusive, just, and accountable framework. Democracy is a system through which conflicts within a society are allowed to be formulated, to find expression, and to be managed in a sustainable way.

According to Baker (1996) in “Conflict Resolution versus Democratic Governance”, democratic institutions are built on a value system that makes it easier to legitimize comprehensive agreements, which, in turn, increases their duration.

Democracy is promising because the principles, institutions, and rules associated with democratic practice seek to manage the inevitable conflicts in deeply divided and less conflicted societies alike. Democracy, as a system of political decision-making, is, in many ways, a system of conflict management in which the outcomes are unknown but the fundamental rules of the game provide a safe arena in which to compete. As Baker (1996: 568) rightly argues, “former conflicting parties see peace as a precondition for democracy; and later see democracy as a precondition for peace”. The decision to negotiate depends on the domestic political constraints placed on individual leaders.

According to this view, civil wars that occur in democratic countries are more likely to end in a compromised settlement for one of the following three reasons (Walter 2001: 10–11). First, leaders of democracies face higher domestic constraints in their use of force than leaders of authoritarian governments, and are therefore less likely to be allowed to pursue unpopular wars. Second, democratic leaders are likely to find it easier to credibly commit to peace agreements since they are more likely to be held accountable by their voting public for promises made. Lastly, democratic leaders accustomed to sharing political power have less to lose by opening the government than authoritarian leaders who stand to forfeit monopoly control of the government.

2.2.2.2 Political Change toward Democratization

For the purpose of this thesis, it is worthwhile elaborating further on domestic political change (which relates to the process of democratization itself that is relevant to the Indonesian condition), since the research covers the period between 1999 and 2007. Domestic political change has been observed to affect the re-evaluation of goals and strategies put forth by local policymakers. For example, structural change towards a greater democracy will create a more conducive environment for the negotiation process to start. In the context of civil war or intrastate conflict, such as the conflict between the GoI and GAM, the nature of the political structure also affects how the conflict is resolved. Thus, it has been stated that a democratic government has more capacity to address and resolve conflict when compared to other political structures. This is in accordance with Hegre (2004:2) who states that “democratic political systems are supposed to allow all parties to a conflict to be heard, decisions are made on the basis of rules that all parties to the conflict agree to, open debates and a free press ensures that the decision-making is transparent, and the losing party in contentious issues is willing to comply with the outcome because the democratic constitution guarantees that the party may prevail in the future”.

Democratization itself constitutes the main focus, along with its various elements, such as transition democracy, consolidation democracy, and the type of regime. The elaboration of these processes could bring forth an analytical perspective on the ripe moment theory, noting that upon examining the various main ripe moment theories, there is no specific focus on democratization among these theories. The

elaboration of the political and leadership change in more specific terms is useful to identify how 'change' can be relevant to conflict resolution, since the evaluation of rival policy is more likely to occur in the wake of broader changes in the governmental structure of one of the conflicting parties (Mitchell, 1995). As these political changes occur, re-evaluation and replacement of policy beliefs and assumptions follow. Related to this notion, J. Michael Greig stresses that only recent democratic policy changes within one of the conflicting parties increase the possibility for the success of a peaceful resolution (Greig, 2001).

There are two key elements of the democratization process: transition of democracy and democratic consolidation, and these two elements influence the political behaviour of the parties, and, in turn, the conflict itself (Mansfield & Snyder, 1996; Stepan, 1986). Democratic transition is defined as the period starting from the collapse of an authoritarian regime until the establishment of a new democratic government through a general election. Institutionalization and legitimization of democracy are the indicators of a successful democratic transition (Linz & Stepan, 1996). Democratic consolidation is the period following the establishment of a popularly elected government in which the process of democratization is expected to take root, not only in the form of a formal government but also within a society's various structures. In fact, the democratization process is complicated and sometimes leads to internal violence and even the collapse of the state (Bratton & Van de Walle, 1997; Casper & Taylor, 1996; Huntington, 1993).

The critical period during the transition to democracy is called anocracy or what analysts describe as semi-democracies (Hegre, et al., 2001: 33) that are "partly open yet somewhat repressive". Fearon and Laitin (2003) describe anocracy as a state where the central governments is politically weak. The anocratic regime puts institutional limitations on the decision-making powers of the leadership (Marshall & Jaggers, 2002) that could lead to a political crisis when the executive and legislative struggle for power and authority spurs on the political system. Semi-democratic periods constitute vulnerable times and the ripe moment for civil war, during which inherent political change creates instability and the opportunity for individual rights groups to express their specific identity sentiments, which are sometimes translated into armed insurgencies. In these situations, governments, with their limited institutional power to

address the problem, will often resort to military action to secure leadership in resolving the conflict.

Obviously, despite the fact that the transition to democracy tends to create political turbulence, such as internal conflict (Gurr, 1994: 290–292), a democratic regime/leadership voted for and elected by the people will have the power to manage or resolve the conflict peacefully. Some scholars have indicated that a democratic regime will promote peaceful management during an intrastate war. Moreover, a democratic state provides an opportunity for power-sharing (i.e. distribution of power across conflicting parties), and is most likely to encourage ethnic accommodation (Horowitz, 1998) in which the principles of compromise and negotiation inherent to the democratic system lead the party to a successful mediation. At least two reasons have been set forth by political scientists for the democratic peace to exist. The first deals with a cultural explanation, whereby the norms of trust and tolerance are cultivated as the basis of peaceful relations with each other, while the second implies a structural explanation defining democracy as a political institution, which develops non-violent resolutions including elections and legislature (Russett, 1993). A democratic state itself is founded on the basis of the respect for rules, law enforcement, ensuring basic civil liberties, and fair and competitive elections held to choose leaders.

2.2.2.3 New Leaders

As indicated in the previous section, the ripeness theory itself encompasses internal political change, especially when new leaders can influence the perception of a party and create willingness among its members for a peaceful settlement. This stage is primarily reached when the party faces a stalemate or anticipates an impending catastrophe. In line with the new leaders' perception on the condition of ripeness, Greig (2001) argues that political change within conflicting parties can cultivate the sense to re-evaluate current policies and improve the prospect of peace in a competitive relationship. On the other hand, Stedman (1991: 238) highlights the potential in leadership change and the new leaders' perception concerning the condition of mutual stalemate, something that was not discerned by previous leaders under the same circumstances.

Similarly, Haass finds that ripeness in internal party politics can be a function of new leaders coming into position or other internal political changes. Thus, re-evaluation of rival policies is more likely to occur when domestic political change and new leadership come to the political arena of one of the dyads (Kriesberg, 1992); the new leaders as the decision-makers then become the main actors in the process of changing the conflict conditions and are also responsible for evaluating and adopting new policies. As Mitchell (1995: 10) observes, “it is the interpretation of these conditions by those leaders that determines whether the time, is indeed ripe”. Mitchell (1995) and Zartman (2000: 228) further note that a major change of policy in conflict will depend on the cost-benefit analysis made with the argument that the enduring cost and pain caused by a hurting stalemate situation is the most important factor leading to a re-evaluation by decision-makers. This relies on leaders learning and changing their attitudes primarily by experiencing the pain of damage and loss.

2.2.3 International Context

It is generally accepted that global politics affect every corner of the globe. Following the Cold War, the world has significantly changed. Firstly, intrastate conflicts are more dominant than interstate conflicts. An intrastate conflict can be defined as a conflict that occurs within the territory of a state sovereignty, and involves both state and non-state actors (Kaufmann, 1996). Intrastate conflicts can be caused by various factors, including the regime type, such as a non-democratic government, that can cause social tension, unfair distribution of political and economic power to the minorities, and the issue of identity among groups of a given community. As shown in Figure 2.1, it can be concluded that an increasing number of intrastate conflicts occurred after the Cold War.

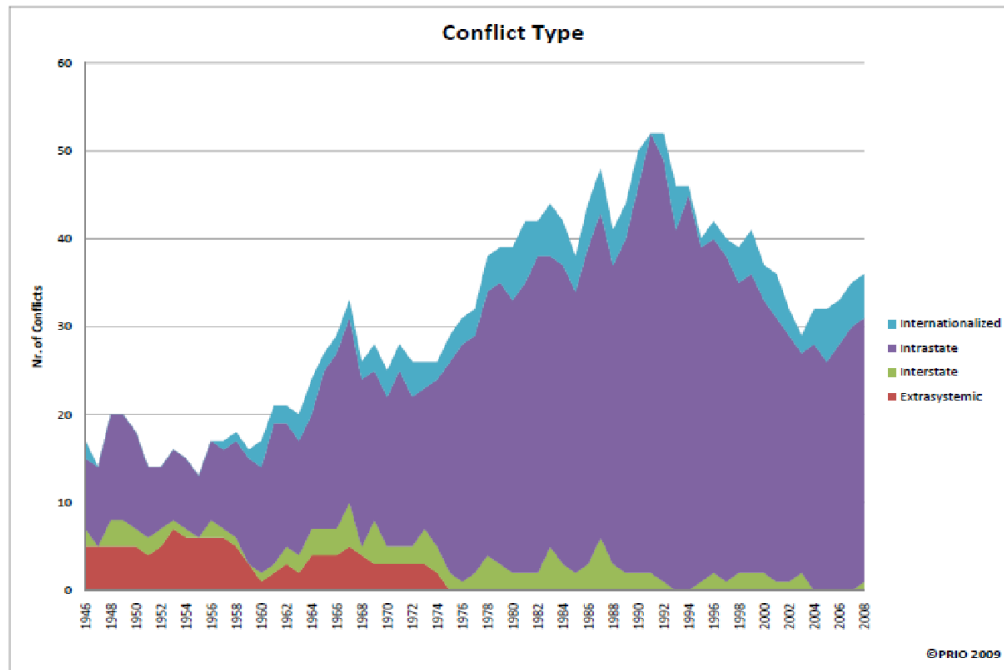


Figure 2.1 Conflict Type after the Cold War
(PRIO Armed Conflict Dataset–UCDP 2008)

The second factor is the change in the global trend after the Cold War when democratization and human rights issues became global norms and the basis of international relations (Stern & Druckman, 2000). The international community presses for an international obligation to protect the rights of individuals or groups that are at high risk of violation during such intrastate conflicts. The idea is that “the rights of individuals and groups” have priority over “the sovereignty rights of the state” (Snow & Brown, 2000: 468). Hence, the international community has the right to stop fundamental abuse of individual or group rights. Following the Cold War, the dynamics of social interaction gave space to a variety of actors who understood these dynamics in mediating intrastate conflicts (Waltz, 1954).

In fact, the dynamics of intrastate conflict and global norms for democratization and human rights affected the outcome of the conflict in East Timor and Aceh. East Timor is a good example, for during the Cold War, in order to prevent the Domino Effect of Communism in Southeast Asia, the US permitted and Australia supported Indonesia’s invasion of East Timor in 1974. However, the situation then changed after the USSR collapsed and some countries that hitherto had supported Indonesia’s invasion reformulated their foreign policy on East Timor based on the new global

condition of the post-Cold War era. Furthermore, some scholars argue that international dynamics tend to influence the peace processes and outcomes of internal conflicts (Darby & McGinty, 2003; Rubin, 1991). The international influence could be reflected in various ways, including military intervention, economic embargo and participation of mediators. Developments at the international community level may produce “a new set of circumstances that spell success or failure for the peace process” (Darby & McGinty, 2003: 4). Positive or negative developments within the international arena could lead to favourable negotiating conditions (Rubin, 1991).

In addition to the internal context, ripeness is also determined by external environment leading to a favourable condition by attempting to de-escalate a conflict through negotiation. Kriesberg (1998) focuses on factors that may prompt governments to take initiatives towards de-escalation. Besides domestic conditions, the role of third-party intervention, and adversarial relations, he also examines the concurrent conflicts happening internationally and their influence on creating other conflicts seems less important. In this condition, the international context can increase the tension or prompt escalation activities. This entails a superimposition of global and regional conflict onto the existing conflict, which now becomes linked to broader issues (Kriesberg, 1992). The other facet of the international context is the economic and political pressure exerted by other (powerful) parties that encourage but may also sometimes frustrate conflict settlement efforts (Kleiboer, 1996).

In conclusion, many have supported the notion that a ripe moment does not only arise at a certain stage of the conflict (such as a mutually hurting stalemate) but also from the international context, including pressure from the international community on the conflicting parties, developments in global or regional systems, and from the overall dynamics within the international arena (Zartman, 1985, 1996, 2000; Haass, 1990; Kriesberg, 1987; Rubin, 1991; Stedman, 1990; Kleiboer, 1994; Mitchell, 1995).

2.3 The Negotiation Process

This section focuses on the review of two clusters of theories related to (1) pre-negotiation, and (2) the negotiation and mediation processes. Pre-negotiation is defined as the transition time between the perception of ripeness of the conflicting parties and the informal approach of one party to the other to assess the possibility of dispute

settlement. In other words, pre-negotiation constitutes the early steps of a peace process, which is generally followed by formal negotiation, the signing of a peace agreement, and its implementation.

2.3.1 Pre-Negotiation

Pre-negotiation is a necessary step or, as has been argued, a critical diagnostic phase within a negotiation process when conflicting parties define their problems, develop the commitments to move towards a formal negotiation, and invite a potential third party as mediator (Saunders, 2000; Zartman, 1989; Stein, 1989; Druckman, 2001). Pre-negotiation can also become a part of the negotiation itself where it plays an important role by changing the dynamics of the existing relationships and paving the way for solutions to end the conflict. Thus, the goal of the pre-negotiation phase is not only to encourage conflicting parties to begin the negotiation and commit to it, but also to “start a political process that can change the relationship and lead to end of violence, to peace and reconciliation” (Saunders, 1996: 421), especially in the context of sensitive conflicts that are not open to negotiation, and involve issues such as identity, justice, security, and dignity that may constitute further hurdles.

During the pre-negotiation phase, conflicting parties transform the conflict into a co-operative agreement and identify a potential third party to take up the role of mediator (Kriesberg, 1998: 176). However, the main characteristic of the pre-negotiation phase is to obtain commitment from the conflicting parties to look at their differences, and identify and remove obstacles blocking the path to negotiation (Saunders, 1996: 428). The pre-negotiation begins when one party recognizes negotiation as an option to solve the problem, or, in other words, when the parties move from pursuing a unilateral solution in search of a cooperative solution.

During the process of moving from pre-negotiation to the negotiation, Tomlin (1989) mentions key stages, which include problem identification, the decision-maker choosing negotiation as the best option, and signalling to the other party to commence the negotiation process. Furthermore, the pre-negotiation phase also gives time and space for the parties to prepare and manage their internal/domestic support and to build the necessary coalition before the formal negotiation begins. This function is critical, especially in anticipating ‘spoilers’ within the party when the peace agreement is

reached. The more support the conflicting parties can obtain domestically, the smoother the negotiation process will run (Stein, 1989: 232).

2.3.2 Negotiation Process and Mediation Success

Frequently, the negotiation and mediation process would act as the next step following a pre-negotiation where the parties would agree to negotiate their differences formally. The negotiation and mediation processes are closely correlated. Mediation through a third party is a means in the conflict management process in which the conflicting parties allow their relationship to de-escalate or terminate the conflict in a peaceful way (Bercovitch, 1986). Third-party mediation does not only mediate both parties in the negotiation but also helps them to find a win-win solution, which they cannot find by themselves (Zartman & Touval, 1996). The mediator may even pressurize and reward the parties in order to leverage the context of the conflict and its process in general (Bercovitch & DeRouen, 2005).

Kesner and Shapiro (1991) argue that the success of the mediation process is determined by the signing of an agreement. Meanwhile, the success index of Haass (1990) defines mediation as successful when it makes a great difference to settling a dispute, and as partially successful when it leads to the initiation of negotiations and some dialogue between the parties. However, mediation is a limited success when it only leads to a ceasefire or break in hostilities and is considered unsuccessful when it has no tangible impact on the dispute (Haas, 1986). This goal-oriented approach has been adopted by scholars, who define success in terms of whether or not mediation can effectively fulfil the objectives of the parties or the mediator (Smith, W. P., 1985; Touval & Zartman, 1985).

Finally, there are several determining factors in the success of a mediation process, some of which also overlap with the precondition factors. These factors do not only influence conflicting parties to take a step towards negotiation but can also determine the outcome of the negotiation itself. They include conflict ripeness influencing the motivation of the parties, the level of intensity of conflict, and the type of regime and the international context, as discussed earlier. Furthermore, pre-negotiation in itself can act as a factor and a crucial basis for the development of a formal negotiation. Other major factors in the mediation process are the nature of the

issue and the character of the mediator. Several of these major determining factors are presented below.

2.3.2.1 Probability of Victory and Cost of Conflict

The probability of victory will directly affect the way parties settle the conflict. If one party has a higher probability of victory than the other, then the likelihood that that party agrees to settle an agreement is low because the dominant party will be more interested in reaching victory than in making a settlement with the rival (Bercovitch & DeRouen, 2005: 162). In intrastate conflict, the probability of victory is largely dependent on the armed forces of both the government and the rebel group. On several occasions, the size of the government's army is negatively correlated to the likelihood of a successful mediation. The larger the government's army, the greater its expectation of a probable victory and, as a consequence, the government is frequently found to reject negotiation with the rebel group and to aim at reaching victory in the battle zone instead (Greig & Regan, 2006).

This is widely common in many intrastate conflicts around the world. A power imbalance tends to make the greater power, such as a government, refuse negotiation with the opposing group. Some governments also reject negotiation with rebels as a political decision of not to recognize the latter group's existence as a political entity. The balance in power between the parties will also determine the scope of a mutually acceptable settlement (McCarthy, 1991). Even when the dominant party sometimes rejects negotiation and assumes that a quick victory can be reached, the escalating cost of the conflict itself will, at some point, determine the parties' commitment to their efforts to achieve victory. Hence, even if one party has a tangible chance of reaching victory, it may prefer to resort to a negotiated settlement if the cost of continued conflict exceeds that of a negotiated settlement.

Analysts argue that the cost of conflict, including the casualty rate, will drive both parties to a negotiated settlement; furthermore the higher a party's casualty rate, the lower its projected probability of achieving victory (Mason & Fett, 1996). In addition, the cost of conflict could also refer to the level of intensity, scope, and degree of threat of the tension, the magnitude of violence and number of overall fatalities. This can create a mutually hurting stalemate (MHS) or impending catastrophe, and, as

Zartman (1989, 2000) argues, this condition will be ripe for a negotiated settlement. It is believed that the greater the intensity of a conflict, the higher the likelihood of conflicting parties to accept and discuss their differences as a means of minimizing losses (Jackson, 1952; Young, 1967; Kleiboer, 1996).

2.3.2.2 Duration of Conflict

The next factor that influences the success of mediation is the duration of the conflict, which, sometimes, is related to the cost of the conflict, as discussed above. The notion here is that the longer the amount of time required for the parties in conflict to achieve a potential victory, the more likely the willingness of the parties to pursue a settlement rather than continue fighting. The hypothesis proposed by Mason and Fett (1996: 173) states that “the longer the duration of the conflict, the greater the probability of the participants seeking a negotiated settlement”. In this situation, the parties will resort to a benefits analysis between the utility of victory and the time required to achieve what directly implicates an increasing cost of conflict. Both parties will be more likely to accept the immediate settlement when a conflict lasts long and the utility of victory is low.

Thus, the parties will weigh the benefits and the utility of victory minus the accumulated cost in reaching it, and, the longer the estimated time, the lower is the parties’ estimate of the utility of an eventual victory. Particularly when dealing with guerrilla strategy in intrastate conflicts, Mason and Fett (1996) argue that the government is more likely to negotiate a settlement than continue a war in anticipation of a Pyrrhic victory. In many cases, when the government invests over a long period of time, to totally destroy the rebel force would sometimes undermine its popularity and support from the state and society. Thus, in general, the duration of conflict directly affects the change of the conflicting parties’ attitude towards the conflict and its settlement.

2.3.2.3 Willingness and Motivation

Undeniably, the aforementioned factors (probability of victory, cost of conflict, and duration of conflict) exert considerable influence on the perception of parties to resolve the conflict. In addition, the above conditions could directly affect the immediate

willingness or motivation of the parties to reach the mediation outcomes. Concurrently, the more the conflicting parties are willing to resort to conflict settlement, the more prospects and resources are available for mediators and, therefore, the higher the probability of a successful mediation (Bercovitch, 1997; Zartman & Touval, 1996). Rubin (1992) emphasizes that the motivation of the conflicting parties is a pre-requisite for effective mediation. Hence, it becomes important to motivate parties towards a positive, successful outcome, especially when the parties' willingness is low (Moore, 1996; Smith, D. D., 1997) and, consequently, the strategy of mediation to be adopted revolves around the level of motivation or the willingness of the parties.

2.3.2.4 Cohesiveness of the Party

Cohesiveness relates to the internal power structure stability of a party, for instance, how clearly their leaders represent the party's interests during the negotiation process and how reliably they can secure the implementation of the negotiated agreement, which is sometimes measured by the nature and number of domestic constituencies (Assefa, 1987: 13). High cohesiveness is normally associated with the existence of a single constituency. Internal cohesiveness is also an important factor for a successful third-party intervention, especially through the appropriate representation of the party during the negotiation process. The representative of a party with a high degree of cohesiveness, who can negotiate authoritatively, will facilitate concession because s/he has the support from a single constituency (Assefa, 1987: 80). In the case of a civil war, the cohesiveness of the insurgent party, which enjoys strong support from locals, constitutes an important factor for the power equivalence on the battlefield to dramatically alter the asymmetrical relationship between the parties (Zartman, 1993). This equivalence in power will lead to a stalemate condition, which hurts the combatants and population alike, and, in the process, will turn the stalemate into a willingness to reconcile (Zartman, 1996).

2.3.2.5 The Role of a Third Party as Mediator

Another determinant for the success of mediation is the role of the third party to assist the conflicting parties in transforming or resolving the conflict (Saunders, 2001). There are two reasons why a third party would intervene in a conflict, either formally or

informally. The third party can be invited by the conflicting parties to facilitate the negotiation process, and in other cases the third party sometimes intervenes spontaneously. In general, third-party interventions can take place through the act of individuals, non-governmental organizations (NGO), representatives of larger groups, or state leaders.

In the civil war context, Holl (1993) identifies two bases for third-party intervention. First, when there is potential for the conflict to expand and cross the national borders, and second, when the third party shows an interest in one of the elements of the conflict, either with one of the belligerents, with the issue of the conflict or when it is driven by a moral imperative. Bercovitch (1984) specifies various conditions when mediation takes place, such as in a long-term conflict; when the efforts of stakeholders end in a deadlock; when neither party is ready to withstand further costs or escalation of the dispute; and when both parties are willing and ready for some form of mediation and to be involved in a direct or indirect dialogue.

However, there are several motives that may influence the conflicting parties to accept the intervention of a third party as the mediator (Zartman, 1985). First, the parties expect the mediator as a driving force towards a more favourable settlement. Second, the presence of the third party is viewed as a face-saving device when reaching an agreement. The parties thus appear to accept the mediation to protect their domestic interests and international reputation. Third, mediation is ceased when the parties are facing a dilemma between military action and making a direct concession to the enemy. Greig and Regan (2006: 8) propose a hypothesis that states “as the costs increase and the probability of victory for either side decreases, the likelihood that an offer of mediation will be accepted increases”. Improving the relationship between the mediator and the adversary is also one of the strategic motives.

2.3.2.6 Characteristics of the Mediator

The characteristics of a third-party mediator form an important attribute to support a mediator's performance during the mediation process. The mediator should have these following attributes: impartiality and motive, leverage, and status (Susskind & Babbitt, 1992: 35). Impartiality may refer to the consequence, intention, appearance (Kriesberg, 1982) or the mediator's stake in the substance of the issues in conflict (Princen, 1992).

Several researchers underline the fact that a mediator's impartiality will affect the success of the mediation and is a necessary condition for gaining acceptability (Touval, 1975; Smith, W. P., 1985).

The next characteristic is leverage, which refers to a mediator's ability to pressurize one or both parties to accept the proposed settlement. Leverage remains one of the most elusive elements of mediation (Kleiboer, 1996). The mediator should have power, influence, and resources to lead a fruitful mediation (Cot, 1972; Brookmire & Sistrunk, 1980; Bercovitch, Anagnoson & Wille, 1991; Touval, 1992). The required resources include negative and positive sanctions (Touval & Zartman, 1985) and material elements, such as economic aid; and non-material elements, such as the possibility of moral and psychological pressure or sanctions if the need arises (Princen, 1992). In contrast, Yarrow (1978) argues that conflicting parties would be more inclined to accept a mediator who is strategically weak or lacks power, because this ensures that the mediator would offer a more relaxed and open negotiation, and would be less intimidating for both sides.

The last characteristic is status, which is related to the mediator's personal reputation, track record, special expertise, and position in an institution or organization. Institutional status implies that a given mediator acts on behalf of or represents his/her organization, national state or non-governmental organization, and that the organization's status itself will reflect the necessary leverage (Rubin, 1981). The positional status is linked to the mediator's standing in either his/her own country or organization. Mediators normally tend to use the strongest organizational affiliation to ensure the highest status. This status will also influence how seriously both parties will take the mediation process. To sum up, the higher the mediator's status, the greater the chances of success will be (Princen, 1992).

2.3.2.7 Mediator Behavior

Mediator behavior relates to the strategies and tactics used by the mediator during the mediation process and is one of the significant factors contributing to the mediation success (Wall & Lynn, 1993). The strategy is the way the mediator intends to manage the case, the parties, and the issues (Bercovitch & DeRouen, 2005). Although there are numerous classifications of the strategies used in the literature on mediation, many

scholars often use the typology developed by Kressel (1972), and Touval & Zartman (1985). Kressel (1972) divides the categories of strategies into three types of behavior. First comes reflective behavior; this is the most passive category in which the mediator tries to “achieve some convergence of expectation by reducing distortion, ignorance, misperception, or unrealistic intention” (Bercovitch, 1984: 98). The second is non-directive behavior, where the mediator will support the conflicting parties with a minimum of assistance to achieve a mutually acceptable solution, such as finding a neutral location for peace talks. In this category, the mediator is more proactive than in reflective behavior. The main focus of this behavior is to create a favorable environment for conflict management (Bercovitch & DeRouen, 2005).

The third type is directive behavior, where the mediator plays an active role in encouraging a specific solution in offering the proposal or recommending a solution. In the strategy to end the conflict, the mediators tend to manipulate the parties and put direct pressure on them. This approach is more powerful because it involves a direct attempt to change the attitude of the parties in conflict. The tactics include giving substantive input on the settlement, helping devise a framework for acceptable outcomes, and pushing parties towards flexibility. The goal of this behavior is changing the parties’ perception of the cost, benefits, and consequences (Bercovitch & DeRouen, 2005).

Directive behavior can also create willingness and motivation by pressurizing and persuading the disputants to agree to an outcome. The lower the trust, willingness, and motivation of the parties, the higher the need for mediators to resort to directive behavior. It is argued that the more active the strategy used by the mediator, the more effective the mediation will be (Bercovitch, Anagnosan & Wille, 1991). A mediator’s experience also constitutes an important factor in influencing the strategy and effectiveness of mediation. It has been documented that more experienced mediators are able to secure a higher number and better quality of settlements (Carnevale & Pegnetter, 1985). The presence of an experienced mediator also affects the mutual perception, trust, and relationship of the parties during the process.

The mediator’s knowledge and expertise are also seen as an image of competence and credibility and the confidence of the conflicting parties is further enhanced if the mediator is seen as being credible (Bercovitch, 1991, 1992).

Understandably, the mediator's credibility is an important factor since this perception helps secure the positive attitude of the parties involved during the process. Thus, the mediator will be in a more favorable position (greater confidence, greater acceptance, greater satisfaction, and greater fairness) when s/he has attained a high level of insight into the disputants' interests and needs, and is perceived as credible. In turn, this influences the belief of the conflicting parties in the third party's capability to assume their basic role in the mediation process (Tome, 1992). Moreover, the parties will evaluate more favorable recommendations from mediators who have attained a high level of insight than recommendations from mediators with less insight. In brief, the conflicting parties' perception of a mediator's degree of insight is expected to directly influence their perception of the mediator's credibility. These perceptions will, in turn, positively contribute to and support the mediator's capability in formulating high quality recommendations.

2.3.2.8 The Nature of Issues and Negotiation Strategy

It is also argued that the nature of issues at hand will affect how the conflict will be resolved. In general, conflicts involve more than one specific issue and each issue will influence the probability of success of the mediation. Conflicts are sometimes triggered by a single issue, but, in the process, other issues can arise. There are at least five types of issue identified in modern conflicts (Bercovitch, Anagnosan & Wille, 1991: 14):

1. Sovereignty issues, related to a specific claim over a piece of territory;
2. Ideology issues, concerning basic values, socio-political principles, beliefs and political systems;
3. Security issues, pertaining to borders, territories, and frontiers;
4. Self-determination and national identity issues in independence conflicts; and
5. Other types of conflict.

Ideology and independence issues are more difficult to settle than territorial or security issues. Although ideology-related conflicts are difficult to solve, the mediator and conflicting parties should be able to redefine the conflict by identifying their interests rather than their position. Contrary to *position*, which could be characterized more concretely, *interest* is characterized by being abstract and intangible and is basically the cause behind the position (Provis, 1996: 305).

In many cases, negotiated settlements focus on interest, not position. Normally, the negotiation will focus on a party's subjective interest, but the position is also used as a tactical reason and as a means to attain the party's interest at stake in some cases (Provis, 1996). Furthermore, a party also tends to use a positional bargaining approach to maintain internal unity and identity. Provis (1996) argues that religious and identity conflicts could easily be described in terms of the position of the parties rather than their objective interests, since the respective positions can be translated as the articulation of their worldviews, focusing on interest alone "may also be misleading," especially when a party's unity is dependent on a unified position (Provis, 1996: 320).

In terms of negotiation strategy, other factors affecting negotiation outcome include four basic strategies (Pruitt, 1991): *problem-solving*, *contending*, *yielding*, and *inaction*. Problem-solving focuses on mutually beneficial outcomes and is based on the interests of the parties. Besides aiming to cater to the interests of both parties, the problem-solving strategy also improves the relationship between the parties. The tactics commonly used during problem-solving include compensation, increasing available resources, exchanging concession on low priority issues, minimizing the cost of concession, and putting forth new, mutually beneficial options (Pruitt, 1991).

This strategy is important because it usually produces a more satisfactory, negotiated settlement for both parties (Ury, Brett, & Goldberg 1988). Other conflict analysts, such as Fisher, Ury, and Patton (1991), call this strategy "integrative bargaining", "interest-based bargaining" or "win-win bargaining", all of which can be classified as principled negotiation. Another strategy is *contention*, also called "positional bargaining", which is often used as an opening strategy and to be replaced at a later stage by problem-solving. In this strategy, one party negotiates with the other party based only on their own interests. Persuasion, threats, inflated demands, and binding commitment are part of these contentious tactics. Contention strategies tend to yield poor outcomes and may escalate a conflict since they only focus on the position of each party with opposing points of view, and there are many interests behind each position, as a matter of fact. Normally, if the negotiation does not end in a deadlock situation, this strategy can only lead to a compromise, which does not directly satisfy the true interests of the parties.

Next is the yielding strategy, which is generally used by a party to close negotiations when the time pressure is high and the issues are not significant. When both parties resort to this strategy, the outcomes tend to be repressed and can successfully contribute to the problem-solving approach. The last strategy is inaction, which implies doing as little as possible during the negotiation process. Inaction refers to the time pressure strategy exercised by one party over the other and is a feasible strategy when the latter party is more susceptible to time pressure than the inactive party and when their resistance to yielding is low (Pruitt, 1981). Pruitt (1991) notes that the feasibility factor affects the choice of strategy, adding that “a strategy is seen as feasible to the extent that it seems capable of achieving the concerns that give rise to it” (Pruitt, 1991: 35).

In contrast, when the aspirations of the trusted party are weak, the other party will adopt a contentious strategy and will expect the trusted party to yield. The party will often abandon this strategy when it fails and this strategy may be used to underscore one’s commitment. Lewicki, Litterer, Minton and Saunders (1994) calls this strategy ‘distributive bargaining’, in which the goal of each party is diametrically opposed to that of the other, and each party only focuses on its own benefit. Moreover, here, the party estimates that their resources for negotiation are adequately fixed.

Kriesberg (1992) argues that a good negotiation strategy will lead to a speedy and smooth negotiation process, and will sometimes open windows of opportunity. This strategic choice probably plays the largest role in determining whether or not the negotiation concludes with agreements. An effective strategy should consider issues, parties, and the inducement of background conditions. Kriesberg (1992) also noted that peripheral issues are usually discussed in the early stages of de-escalation, and that subsequently, parties move to a more comprehensive negotiation at a later stage. Clear communication is crucial throughout the process of negotiation. Miscommunication can create misperception and misinterpretation of the message being put across. Furthermore, negotiation can reach a deadlock when both parties are concurrently using different strategic approaches (Lewicki, et al., 1994). Therefore, there are several factors that influence the choice of strategies, which include the expectations of the parties from the mediation process, complexity of the issues, negotiation procedures that are used,

balance of power between parties, the stage of the conflict, and the ability of parties to resolve the conflict (Moore, 1996).

Besides elaborating upon the ramifications of various strategies, which directly or indirectly affect the initiation of a successful negotiation or mediation, Holsti (1990) and Walter (1999) identified factors that can affect the negotiation once the process has started. These factors can be divided into two groups.

First, negotiations fail because the combatants are only buying time to revitalize their forces before returning to conflict after having rested and resupplied, or because one of the conflicting parties is making a concession for reasons not related to achieving real peace. Often, pressure from outside patrons who insist that their “partners” participate in a peace process or those who want to appease citizens weary of the on-going war is the common reason why parties go into negotiation. These situations arise because the source of incompatibility still exists and manifests itself even after the agreement is signed. Parties in conflict continue to see the military way as the main vehicle to achieve the solution and use the peace process as a break time to consolidate their power and to mobilize more support from the outside. Parties sometimes also use negotiation processes as the medium for transmitting their issues to the international community and in trying to obtain support from them (Holsti, 1990: 67). Second, the conflicting parties are willing to sign an agreement but cannot reach a mutually acceptable deal.

Walter (1999: 131) further identified four factors that could make reaching an agreement difficult, even when both sides are genuinely willing to settle the conflict. These include: (1) the conflicting parties cannot agree on how to divide the stakes in a mutually satisfying way, which makes settlement less likely (Pillar, 1983; Modelski, 1994; Wagner, 1993); (2) the value of winning the war: both parties place an equally high value on winning the war, leaving little room for compromise because they bargain aggressively (Fearon, 2004); and (3) the problem of partial information: each party has an motive to hold back or alter private information they have regarding their own military strength or staying power. For example, a party pretends that they are better supplied, more willing to return to war, and less open to compromise than their rival because the longer a group can hold out, the more likely it will be able to convince its opponent to yield.

Unfortunately, misleading concerning one's strength, even if individually rational, could result in prompting parties to pursue the conflict much longer than they would if this actual information were public. The last factor that hinders an agreement is (4) irreversible commitment: negotiations are also bound to fail if both sides have tried to increase their bargaining leverage by committing to strong demands from which they cannot withdraw (Walter, 1999:132). This is done, for example, by provoking popular nationalistic sentiment in support of certain demands. This bargaining tactic would allow a leader to announce credibly that he would like to make a concession, but the followers will not let him. If both parties resort to this tactic, no settlement will be achieved (Schelling, 1966; Crawford, 1982).

2.3.2.9 Dynamic Relationship between the Parties

The commitment of the parties is an important requirement in interest-based negotiations, which will be determined by the dynamic relationship between the parties. In their book *Negotiation*, Roy J. Lewicki, Joseph A. Litterer, John W. Minton and David M. Saunders (1994) shed more light on the dynamics of the parties that could influence the negotiation process according to three main relations:

1. The history of the relationship between parties. The defensive and win-lose attitude approaches are based on the past relationship of the parties. The more past competition and conflict that exist, the more likely negotiators will be to approach the current negotiation with a defensive, win-lose attitude.
2. A belief that an issue can only be resolved in distribution tends to lead negotiators to polarize issues or consider them only in win-lose terms.
3. The mixed-motive nature of most negotiation situations. Most situations are mixed-motive cases, containing some elements that require a distributive bargaining process, and others that require integrative negotiation. – In addition, Zartman and Touval (1997) state that conflicting parties may sometimes sign an agreement for other purposes. Agreement, such as a ceasefire, may actually be strategic in that it might provide one side with an opportunity to improve its military position and fight longer (Zartman & Touval, 1997: 11).

Moreover, interest dynamics between conflicting parties and the success of a negotiation are most likely influenced by several factors. Many scholars consider that

one such important factor is the mutually hurting stalemate (MHS). Zartman (2003) argues that a peace process is rarely successful unless it happens at a point in time when the conflict is in a mutually hurting stalemate. This happens when violence is at a deadlock and parties see negotiation as a better outcome than continued fighting. At that point, third parties can take important steps to facilitate a negotiated outcome (Zartman, 1996). Deadlock is the most favourable condition for settlement.

2.4 Theories on Outcome of Agreement

In the literature, several perspectives exist related to factors affecting the durability of peace. Some scholars, such as Hartzell, Hoddie and Rothchild (2001), hypothesize that the final settlement will be affected by dimensions of power-sharing, which are meticulously incorporated into the negotiated agreement. On the other hand, Walter (1999, 2002) argues that peace agreements are more likely to be durable when the agreement is reinforced by the credible commitment of a third party. The presence of a third-party guarantor, including peace-keeping forces, will support the former combatant's commitment towards the agreement, especially in inspiring them with more confidence during the demobilization process. Fortna (2003), Doyle and Sambanis (2000) also support the crucial role played by peacekeeping operations, which can lead to a longer span of peace following the agreement.

Another perspective introduced by Fortna (2003) is that the durability of an agreement will be determined by the mechanism embedded within the agreement as guidance to peace implementation. Based on the explanation above, and within the context of this thesis, the major elements relevant to the durability of peace are hereby divided into 1) the mechanism within the agreements, 2) third-party guarantors, and 3) the political process, which will be addressed in the following sections.

The durability of agreement and the success of mediation can be examined in two ways: the short-term success and the long-term success (Pruitt et al., 1993). The short-term success focuses on the immediate outcomes that are observable at the time of the mediation process, including whether the parties sign the agreement, the quality of agreement, the parties' feeling of satisfaction towards the agreement, and whether the agreement represents the most important goals identified at the end of the negotiation.

The long-term success, on the other hand, deals with the delayed outcomes that are observable following the elapse of a certain period of time after signing the agreement, including whether the agreement has raised complaints by the parties, whether the parties' relationship was improved, and the absence of significant problems in several months following the mediation. In general, it is argued that the term "successful peace process" is based on the fulfilment of several basic criteria: both conflicting parties agreed to a sign peace agreement, the agreement reduced the number of casualties, leaders from both parties committed to support implementation in the field, and trust building was improved during the peace process and implementation (Pruitt et al., 1993).

More specifically, some representatives of the peace building/conflict resolution NGO sector, the European Commission, the European Council and the Norwegian Refugee Council/UN stand-by team, in a meeting on Evaluating Peace Mediation held on 28 February 2008, identified several key questions towards successful mediation:⁴

- What were the direct and indirect impacts of the mediation process on the ground?
- Did the conflict situation (e.g. sense of security, level of violence, humanitarian situation, conflict dynamics, etc.) change over time and what was the contribution of the mediation process?
- Did the outcome of mediation (e.g. a peace agreement) satisfy the fundamental interests of the conflicting parties?
- Did the parties remain committed to the agreement after the mediation process? Were there mechanisms and guarantees for the implementation of the agreement? What was the role of international actors in the implementation?
- Did the parties "own" the mediation process? Did the mediator draft and structure the agreement with or without the participation of the parties?
- How did mediators address "spoilers" during the process? How did this affect the role of "spoilers" in the implementation phase?
- Did the mediation process change the attitude of the parties and their interaction with one another? Have they learned to better understand each other's interests?

⁴ Source: Evaluating Peace Mediation. Proposal of A General Framework for Evaluating International Mediation Activities. Initiative for Peacebuilding (IfP); the paper was written by swisspeace in cooperation with the Center for Peace Mediation of the European University Viadrina.

As previously mentioned, the conflict between the GoI and GAM is classified under the intrastate conflict. The peace agreements in intrastate conflicts mainly involve power sharing or autonomy, with a focus on creating balanced institutions, and dismantling some of the centralized political structures. Frequently, the durability of a political solution is determined by the social and political ‘contract’ (agreement) ‘for peace and development’ between the conflicting parties (Sahadevan, 2006). Political solutions tend to focus on creating a power-sharing arrangement and autonomy within the state system towards a new balanced institutional structure. To be effective, the agreement must be translated into action, including well-formulated and well-developed implementation and monitoring plans. A solid implementation plan should include criteria for measuring performance, general and specific implementation steps, methods for measuring and enforcing compliance, and procedures for managing future changes or conflicts (Moore, 1996). In general, there are three main concerns that should be addressed by peace agreements: procedure, substance, and organization (Walter, 1997; Hartzel, Hoddie, Rothchild, 2001; Stedman, 2001.; Rothchild, 2002):

1. The procedural components map the process to establish and maintain peace, including processes and measures that help build peace, such as the establishment of schedules and institutions that facilitate the implementation of substantive issues: disarmament, elections, justice and human rights.
2. The substantive components are part of the agreement dealing with what is to change once an agreement is reached, including economic, political, and social structural changes that are needed to remedy past grievances and build the way for a fair and equitable future. The distribution of power, the management of natural resources, and the type of mechanism to solve past injustice fall under the substantive components.

The organizational/institutional components refer to the arrangements/mechanisms intended to promote peace consolidation efforts following the agreement. These mechanisms aim to provide guidance to carry out the activities to consolidate the vulnerable peace and build the foundation for sustainable peace and development. There are two types of organizational component. The first is referred to by the UN as the “implementation mechanism”, which follows a peace agreement and is intended to promote agreement implementation and designed to provide a neutral

monitoring capacity to ensure peace agreement commitments are respected, a steering capacity that establishes priorities and monitors the progress and timeline of implementation, and a political forum that assists parties in reconciling potential implementation disagreements over political dialogues (Yawanarajah & Ouellet, 2003).

The implementation mechanism involves other relevant actors needed to help build peace, collectively known as the ‘peace-keeping operation’. The second type of organizational/institutional component is intended to resolve subsequent conflict over substantive issues, such as the state violation of human rights, and to promote transparency and accountability in governance. This mechanism, referred to by the UN as the “peace building mechanism”, helps uphold a culture of peaceful conflict resolution in the society involved and builds public confidence in the state’s capacity to resolve future grievances methodically and impartially (Lederach, 1997; Doyle & Sambanis, 1999). This could include the establishment of a commission on human rights and strengthening of the judiciary system with international advisory and/or monitoring capacity, and setting up a new office of an Ombudsman, and the like. Peace building mechanisms are designed to empower the state with a neutral structure and capacity to resolve future conflicts and complaints, provide tools for the peaceful resolution of public grievances before they become a source of conflict in a society, and offer a means for foreseeing and thwarting future conflicts (Boutros-Ghali, 1992; Lederach, 1997; Doyle & Sambanis, 1999).

Therefore, effective mechanisms within an agreement constitute a fundamental aspect of the implementation of peace. Other important factors for a successful process are demobilization, disarmament, and the reintegration of armed forces (DDR). Without a comprehensive DDR process, violence will most likely resume, which would jeopardize the agreement over the long term. Lastly, political transition, such as the holding of elections, promoting human rights, establishing the rule of law, and reforming the judiciary, is the final approach for conflict transformation in a process, which can help sustain peace (Zehr, 2001: 330–331). The next section will elaborate more on the implementation phase subsequent to the signing of the peace agreement.

2.4.1 Mechanisms within the Agreement

In general, peace agreements consist of structural provisions, which determine what is going to happen, and procedural provisions, which determine how peace is to be established and sustained. Peace implementation concentrates on the specific, relatively short-term efforts to make conflicting parties fulfil their written commitment to peace. It is the process of carrying out a specific agreement that has been signed after a negotiation process. A fine peace agreement should provide the guidelines and deadlines that determine how the agreement is to be implemented (Hartzell, 1999, 2002). Without proper mechanisms or implementation guidelines, it will be nearly impossible to enforce the agreement that has been reached.

Fortna (2003) introduces mechanisms using ceasefire agreements as an example of a critical agreement to support durable peace. These mechanisms, including establishing demilitarized zones, a dispute resolution commission, peacekeeping, external guarantees and settlement of the political issues. The mechanisms within an agreement theory state that for the effective implementation of a peace agreement, a well-designed plan is crucial. Immediate, self-executing agreements are easier to implement. However, many settlements will require parties to act over an extended period of time. Implementation plans will be more successful when they include criteria for measuring performance, methods for measuring and enforcing compliance, general and specific implementation steps, and procedures for managing future changes or conflicts.

Therefore, while an agreement can employ three types of strategy in fostering durable peace, in turn, these strategies should have specific observable mechanisms (Fortna, 2003: 342–343), as follows:

1. Changing the incentive by making it more costly to attack. War will resume if the incentives to attack exceed the cost of breaking the agreement. However, there are steps the conflicting parties and the international community can take to increase the costs of an attack. These steps widen the bargaining space between the conflicting parties and make another round of war less likely.
2. Reducing uncertainty about the actions and intentions. Agreements can reduce uncertainty by specifying the terms of a ceasefire. The more specific the agreement, the less uncertainty there will be about what constitutes compliance. Spelling out the

rules of the ceasefire explicitly helps to define compliance and non-compliance. Identifying the exact location of the ceasefire zone, counting the number of weapons to destroy and the number of troops to demobilize, can prevent misunderstanding and avoid unnecessary tensions. In addition, in fostering durable peace, the presence of neutral referees can play an important role, such as in settlement claims and complaints about violations.

3. Preventing or controlling accidental violations. Reciprocal strategies can be very vulnerable to accidents and misunderstandings. One wrong move from the troops can provoke an unnecessary reaction from the other side. This situation can quickly escalate into war. If leaders have little control of their military, a rogue group can easily trigger a new war and provoke retaliation. Establishing a forum between parties as part of a dispute resolution procedure can alleviate this danger through dialogue to prevent misunderstandings.

Moreover, Fortna (2003) explains that the mechanisms within an agreement can make durable peace more likely by altering the incentives to not break a ceasefire, by reducing uncertainty about action and intention, and by preventing accidental violation from triggering another round of fighting. Thus, the contents of the peace agreement and the implementation of its specific mechanisms might affect the durability of peace. The specific mechanisms could be applied under various aspects of the peace agreement, such as the procedure for the ceasefire, the timing of and the number of troops withdrawn, the location of the demilitarized zone, the rule of the third-party guarantee, and the security arrangement procedures.

2.4.1.1 Disarmament, Demobilization and Reintegration Process (DDR)

The DDR process might contribute to stability and durability of peace by preventing former conflicting parties from re-attacking each other. The DDR process, as the entry point, not only focuses on stability but also on broader reconciliation and socio-economic development. The UN resorts to the DDR approach as part of its peacekeeping and peacebuilding operations. The UN Integrated DDR Standards (DDRS) define each stage as follows (UN Inter-Agency Working Group on DDR, 2006):

- Disarmament is “the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes”. This stage is largely symbolic, but essential to the demobilization process. We can divide this phase into numerous steps, including identification of the existence of armaments, collection, storage, destruction, and redistribution of arms to the national security forces (Pouligny, 2004).
- Demobilization is “the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks)”. The key steps of this phase include planning and stationing, registering, disarming, and orientating ex-combatants prior to their release, as well as actually releasing them (Pouligny, 2004). Demobilization includes the assembly of ex-combatants, orientation programmes, and transportation to the communities of destination.
- Reintegration is “the process by which ex-combatants acquire civilian status and gain sustainable employment and income”. Essentially, this phase involves administering social and economic activities with open timelines, primarily within communities. The reintegration phase is part of the general development of a country. It is a national responsibility and often requires long-term foreign aid. We may add reinsertion, rehabilitation, and resettlement to this phase. Initially, the reintegration phase is aimed to give ex-combatants economic opportunities in the form of vocational training. Later, a social component was added to better reconcile societies undergoing post-war restoration (Nilsson, 2005).

Several studies view the DDR as a major component of peace implementation and successful disarmament as a factor of development (Fusato, 2003; Caramés & Sanz, 2009). The main goals of the process are the restoration of security and stability at the end of an armed conflict. A progressive DDR can build and increase trust between parties and allows room for post-conflict humanitarian intervention. It also targets the sustained social and economic reintegration of ex-combatants into a peaceful community. To turn a DDR process into a success, the conflicting parties should reach

political agreement to end the hostilities; the DDR can only be implemented in the context of a negotiated settlement, ceasefire, or a peace agreement.

Moreover, in terms of the DDR implementation, the agreement should involve realistic goals and a timetable for implementation, clear eligibility criteria of the DDR, and the creation of a credible, responsible institution. The DDR should also have support from different stakeholders at various levels. Disarmament without reintegration and demobilization without previous disarmament and planned economic and social reintegration will only end up as short-lived efforts.

One of the crucial supporting elements that determine the successful implementation of the DDR is the role played by outsiders as the peacekeeping agents and third-party guarantors (Diehl, 1998; Stedman, 2001). Here, it is noteworthy that by initiating demilitarization under what are predominantly conditions of anarchy, civil war peace agreements have the potential to create security dilemmas. As parties begin to disarm, they contribute to an increasingly tense situation; the fewer arms conflicting groups carry, the more susceptible they feel, and, in turn, the more sensitive to potential violations they are bound to become. Consequently, this makes them less inclined to fulfil their side of the deal.

One of the main challenges that parties face at the negotiating table therefore is not only how to end the armed conflict, but how to devise a settlement that encourages both sides to drop their individual defences and comply with the newly established political rules at a time when no government or police force can either protect them or warrant compliance (Walter, 1997, 1999). Combatants emerging from intrastate conflict would commonly be willing to cooperate in negotiating treaties, which reduce the dangers of demobilization and bind parties to the terms, but their willingness to do so will depend on the degree to which the treaties can guarantee that they will obtain the long-run benefits of peace and power-sharing. If combatants can significantly reduce the possibility of an unexpected attack and the possibility of permanent exclusion from power, they will sign and implement peace settlements. If they cannot obtain a guarantee, they will hold on to their arms and continue to fight (Walter, 1999).

2.4.1.2 Third-Party Guarantees

Even after all other obstacles to resolution are removed, states still confront a unique set of commitment problems intrinsic to the need of integrating two or more parties into a single state. For fruitful settlements, each party should persuade the other that it is committed to disengaging their military forces, and subsequently share power in a genuine way. This necessitates a complex array of external and internal guarantees. The likelihood of signing and implementing peace accords is higher when parties feel more secure and self-confident vis-à-vis the safe consolidation of military forces and regarding the opening of the political process (Walter, 1999).

According to Walter, policy makers interested in resolving civil wars should consider the following suggestions. First, the majority of negotiations, even the most promising ones, normally require third-party enforcement if they are to succeed. In general, opposing parties will be more likely to proceed with a peace plan when an outside guarantor has the political force to verify or implement demobilization. Whenever a guarantor is incapable of taking action (or in some way reluctant to do so), the combatants may become hesitant to abide by their commitment and even signed agreements could fail. The third-party guarantor may not be able to deploy a large number of peacekeeping officers to the conflict zone to monitor implementation of the agreement; however, it should be able to offer firm assurance and a convincing pledge in support thereof.

Conflicting parties should ascertain that peacekeepers would indeed monitor compliance and offer protection to those reporting to assembly areas, in addition to staying put until the demobilization process is complete. Failure to do so may lead to the collapse of the agreement. In addition, unrealistic expectations of free and just elections as a direct introduction to democracy by states rising from civil war are illusionary and disappointing for the parties involved. The parties may withdraw from the negotiations and return to war if they realize that the winner of the initial post-conflict elections will be inclined to establish an authoritarian state, ban the opposition, and possibly prosecute its members (Brown, 2001). Therefore, third parties should be cautious about pressing for a quick democratization process, and should appreciate the serious implications of attempting to concurrently end a civil war and set up a fully liberal democracy without the necessary democratic transition. Next, since combatants are prone to being anxious

and insecure as the process of demobilization begins, they should be avidly reassured if they are to disarm fully, particularly when the political terms of agreement have not been fully executed.

Additional measures of self-help offered to one of the conflicting sides (usually the combatants) by third-party guarantors include territorial autonomy, open borders, and significant asylum provisions. Finally, lessons learnt from past civil war cases indicate that even though enforcement is necessary, it is only effective in the short term (Walter, 2002). If external states have a stake in enduring civil-war settlements, they must subsequently look at how the new institutional parameters reflect each group's expectations of their future security, and affect their decisions of fighting or cooperating. A military/peacekeeping presence could be central to demobilization, yet ingenious institutional design has deeper implications in the long term (Brown, 2001).

Walter (2002) also advocates the importance and assurance of third-party involvement. Moreover, she argues that conflicting parties, with assistance from outsiders, should design reliable guarantees over the terms of a settlement for peace to prevail. She further affirms the vital role of third-party security guarantees and effective power-sharing accords, which could be decisive for settling the matter of whether parties continue to negotiate or fight (Walter, 2002). Peacekeeping efforts have also been shown to make an impact on the durability of peace in both interstate (Fortna, 2003) and intrastate wars (Doyle & Sambanis, 2000; Hartzell, et al., 2001). While the need to involve outsiders as conflict managers may indicate the complexity of the baseline characteristics of the conflict and disputants, and the resulting difficulty in establishing a lasting peace, the presence of third parties makes it more likely that these agreements last than if no third party had been present in the same scenario (Walter, 1999).

To reiterate, in intrastate or civil war peace settlements, the main outcome from the negotiated agreement must consolidate previous conflicting parties into a single state, create a new government that is able to accommodate their interests, and offer a sharing of power. Moreover, before the rebelling side begins to demobilize, disengage, and disarm, a third party should guarantee that the government will protect them and that it is fully committed to implementing the agreement. In brief, only the degree of credible assurance of long-term benefits of peace and power-sharing can determine

combatants' cooperation during the negotiation. Thus, the successful intrastate conflict resolution is not only affected by the ability of both parties to reach a win-win solution, but also by the willingness of the third party to guarantee the process of demobilization and disarmament (Walter, 1999; Fortna, 2003).

The credibility of the third party will affect the realization and durability of peace implementation because it will give a guarantee to disarm and power sharing (Walter, 1997). The third party will enforce the settlement and guarantee that neither side is dishonest (Fortna, 2003) because even if both parties have agreed to end the conflict, memories from the atrocities committed during the conflict are bound to remain fresh. In such delicate periods, an external actor will observe the implementation of the agreement and have great potential to support the peace process through mitigating security dilemmas.

Importantly, third-party assistance is expected to create transparency and build confidence around the settlement agreement. Although parties agree to stop the fighting, memories of past atrocities committed during the war are still fresh, and full reliance on the former combatants is difficult. Mutual mistrust is often a factor that exacerbates conflicts. Unless the cause of mistrust is addressed, it will continue to present an obstacle to a successful peace process. Designing security guarantees that dealing with these fears adds stability and allows for more productive negotiations. The adversaries often need an outsider to enforce the settlement and to guarantee that neither side is cheating (Fortna, 2003: 341). If an outside state or international organization is not willing or able to provide such guarantees, the warring parties will reject a negotiated settlement and will continue or resume their war.

Not all third-party security guarantees are equally effective. A security guarantee is only effective if the third party arrives on the ground with the required mandate. If combatants do not believe that the third party will faithfully verify or enforce compliance, or if they notice that the third party fails to commit sufficient resources to the task at hand, promises of monitoring and protecting will have no positive effect and combatants will refuse to abide by their agreements.

2.5 Political Settlement

The political settlement that addresses the governance issues (including components of power-sharing, elections, the autonomy system, and political amnesty) is one of the key factors that determine the durability of peace. The political settlement is geared towards the establishment of a democratic post-conflict environment, which will prevent the probability of an intrastate conflict to re-occur. However, there are many cases in modern history in which peace agreements were not followed by political change. Moreover, political change can only occur if there is a reasonable period of peace following the agreement (Regan & Stam, 2000). Agreements that only last for a brief time fail to provide sufficient opportunity for effective political change since they fail to provide the necessary space for new institutions and policies to gain traction and lead to lasting peace (Gartner & Bercovitch, 2006: 28). Change can only occur if there is a period of peace following an agreement. Thus, a critical aspect in the peace process is to “make it over the hump” and allow dispute settlement to take effect and alter the underlying political situation fuelling the dispute (Gartner & Mellin, 2009: 4).

The political content of an agreement is another important consideration. If possible, resolving the underlying issues of conflict is a way of removing a key reason for violent conflict. Most conflicts end with the fundamental issues still in dispute, even when one side clearly wins the war. Nevertheless, when settlement of the substantive political issues is reached, whether imposed or agreed, one should expect it to be associated with the reality of peace.

Solving the short-term problem of demobilization, however, does not solve the long-term problem of political participation. The political process in post-conflict society involves the participation of both the people and the stakeholders, meaning that after the settlement is negotiated by both parties, the following process will invite and involve society at large in the transitional period from conflict to peace. Hence, the realization of a settlement or peace process will depend on public trust and participation (Sisk, 2003). A sustainable peace is more likely to occur when political issues are resolved. Political processes are more likely to influence the durability of peace when democratic processes are being used, such as local elections and the participation of political parties, and when the process of constitution is conducted in Aceh.

2.5.1 Power Sharing

The main focus of political settlement remains an issue of power-sharing that relates to autonomy as the basis of conflict resolution. By granting autonomy, the central government reduces excessive control of local territories, increases transparency, empowers the local electorate in assessing political movement, and supports the arrangements for decentralization (Bigombe, Collier, & Sambanis, 2000).

In general, territorial autonomy concessions help reassure groups in an alienated society that the power of the state will not be monopolized by one group and be used to compromise the security of the other, and as such, these provisions are assumed to contribute in a significant way to the prospects for peace of weary societies (Rothchild & Hartzell, 1999). Hence, decentralization of power through territorial autonomy is found to diminish tensions and contributes favourably to the likelihood of lasting peace.

While looking more closely at elements of territorial autonomy contributing to durability of peace, one can clearly discern the following (Hartzell, Hoddie, & Rothchild, 2001):

- Territorial autonomy shifts decision-making power to the subdivisions of the state and thus limits control at the political centre. Often, authority on issues such as language, education, access to governmental civil service, and social services is considered to be vital and reassuring for groups yearning for autonomy and for securing their survival. Moreover, in empowering policy makers at the sub-national level, groups acquire an increased sense of ownership and assertion that they have been granted the means to protect them from the rule of central authority, especially when territorial units can develop their own judiciaries and police forces, which, in turn, increase their autonomous capacity (Coakley, 1993; Levine, 1996; Sisk, 1996; Ghai, 2000).
- Territorial autonomy can help minimize competitive rivalry among groups in a divided society. This can be achieved by reducing any existing imbalance among groups by empowering minorities in local bureaucracies and educational systems. Moreover, by allocating material resources and providing opportunities at the district level, territorial autonomy can also spread part of the economic power formerly under the control of the political centre (Diamond, 1993; Lake & Rothchild, 1999).

Based on the arguments above, negotiated settlements that make provisions for granting territorial autonomy to relevant parties are found to be more stable. Further research finds that the probability of lasting peace is impacted by certain dimensions of political power-sharing among former combatants included in the peace agreement (Hartzell, 1999; Hartzell & Hoddie, 2001). By assuring the opposing groups that they are in a position to leverage decision-making processes in the future, it is expected that power-sharing arrangements will most likely prevent adversaries from once again resorting to violent conflict to settle disputes. In contrast, the absence of these kinds of assurance might result in a breakdown of peace, as minorities that are excluded from power will probably also remain excluded, and, almost invariably, lose their adherence to the regime (Lijphart, 1985).

2.6 The Grand Theory of Peace Preparedness

From the above exploration of various existing theories, this thesis integrates the relevant theoretical elements and seeks to examine whether these elements could be incorporated into a contradiction-free overarching theory that could be probed empirically against the experience in Aceh. The various theories above are combined into the readiness theory as the framework of analysis of the research questions, such as readiness to start negotiations, readiness to reach a compromise, and readiness to implement the agreement.

The readiness theory was introduced by Dean Pruitt (2005) and originally expanded on Zartman's views of a "hurting stalemate" and "imminent mutual catastrophe" (1985). In this readiness theory, Pruitt (2005) offers more detailed explanatory and predictive factors, focusing on *reason*, while Zartman (1985) focuses on *pain and cost* for pushing conflicting parties to halt violent conflict and enter into the negotiation process. The readiness theory argues that leadership is a key factor in transforming a conflict condition into a peaceful resolution. A change in leadership is often needed to pull away from previously failing policies that led or contributed to escalation of the conflict (Mitchell, 2000; Stedman, 1991).

However, existing circumstances (such as impediments and deadlocks) also affect the leaders' perception of the on-going conflict situation. These circumstances, defined by Zartman (1985) as the "ripe moment" to change the direction of conflict, can

favorably influence a leader to become more rational when a sudden turn of events –a “shock” – strikes the mind and stimulates rational thinking (Bercovitch, Diehl & Goertz, 1997; Mitchell, 1995). New leaders have a different mindset from their predecessors that enables them to review old conflict policies and segregate the persons affiliated with those failing policies during the new leader’s “honeymoon” phase (Ho-won Jeong, 2008). In addition, new leaders may be more flexible and could provide their adversaries with opportunities to open an initial dialogue and start negotiations (Pruitt, 2005).

As noted in earlier sections, the external actor as a guarantor should motivate local leaders to recognize and act with the objective to achieve all of the ripeness elements before providing direct assistance with the negotiation (Mitchell, 2000; Zartman, 2000). A ripeness element in which neither of the parties is progressing towards victory encourages the adversaries to end the conflict and creates optimism for a successful negotiation. While ripeness influences the conflicting parties to end a violent conflict and begin the peace process, the readiness theory argues that without motivation and optimism from all sides, the ripe moment will be worthless. Motivation to end the conflict is initiated through the parties’ perception that the conflict is dysfunctional, or by way of external pressure. The clearer the perception that they are heading towards the imminent loss, the stronger the motivation of the parties to stop the conflict will become.

The costs and risks of on-going conflict (such as running out of resources and spiralling escalation) are crucial elements in the process of changing the direction of conflict. The greater the perceived cost and risk of the conflict, the stronger the motivation to end the conflict (Pruitt, 2005). Optimism, on the other hand, is the sense that it will be possible to reach a mutually acceptable agreement. Optimism among the parties is not only required when they enter negotiation but also during the negotiation process. It is part of a certain “working trust”, the belief that the other party is equally motivated to settle the conflict and is committed to negotiating the dispute (Kelman, 2002).

In addition, the perception of negotiators who are capable and act as valid representatives of each side will determine the level of optimism of the parties. Pruitt (2005) argues that to start the negotiation, optimism must be present on both sides, and

that more motivation can compensate for less optimism, and vice versa. Concerning concession making and reaching an agreement at the end of the negotiation process, he states that readiness increases the probability of parties agreeing to make certain concessions. Usually the party with the greater readiness is the one to make more concessions in the final agreement.

Moreover, the outcomes of the negotiated agreement depend on whether the factors affecting motivation to end the conflict continue after the agreement is reached, and whether optimism about the usefulness of agreement is maintained. As for the agreement itself, Pruitt argues that negotiation will move to deeper issues if and when it becomes clear that the conflict will continue unless those issues are addressed and settled. Additionally, the presence of a third party as the mediator during the negotiation process (or the guarantor after the agreement is reached) can be argued based on their intervention depending on the readiness that induced the motivation to end the conflict and the optimism about the success of negotiation. Similarly, with conflicting parties, Pruitt believes that motivation and optimism depend on the costs and risks associated with the conflict.

Interestingly, Pruitt notes several mechanisms concerning how the process of motivation and optimism translates into a peace process. First, the motivation to end a conflict normally necessitates diminishing one's goals and aspirations; less ambitious goals involve less divergence in interests, and encourage greater optimism about the success of negotiation, on one or both sides. Second, strong optimism creates new motives to open communication and share new information with each other. This new information from the other side will change old perceptions and stereotypes of the "enemy" image of the adversary. The third mechanism involves wishful thinking, which means a selective tendency to find evidence that the other party is motivated to settle the conflict.

Fourth, parties will send conciliatory signals or start contacting each other informally when they are interested in ending a conflict. Fifth, the third party will motivate the parties to end the conflict by becoming more optimistic to resolve the conflict and take the initiative to mediate by inviting the parties to the negotiating table. The third party can also mediate the exchange of messages to transfer motivation and optimism from one side to other.

To ensure a successful outcome of the negotiation, Pruitt argues that the readiness theory should not consider the leader's readiness in isolation but also examine the various factions involved. In this regard, he divides the political spectrum into three groups: *hawks*, *moderates*, and *doves*. Hawks have more extreme goals and are less optimistic about the success of the peace process due to the extremity of their demands and their lack of trust in the other party. Readiness for negotiation is always greatest for doves and least for hawks (Pruitt, 2005). To support the negotiation and develop a lasting agreement, both sides should strive to create a central coalition of people who are ready for negotiation across the political spectrum. With a broad coalition, the negotiation becomes achievable; and, if the coalition persists, a lasting agreement is also likely to be reached. In recent years, the presence of a broad central coalition has been found to be crucial for maintaining the peace agreement.

CHAPTER 3

ANALYTICAL FRAMEWORK

3.1 Research Design

This section shows how different theoretical elements in the relationship between the independent and dependent variables can be merged into a coherent grand theory of peace preparedness by modifying the theory of Dean Pruitt (2005) into a less elitist form. In this thesis, based on the structure of the existing theories explained above, the readiness theory is divided into two main parts:

1. Readiness to start negotiating and to make compromises in negotiations (precondition and negotiation processes). The precondition process includes its various elements: ripeness, domestic political settings and the international context, whereas the negotiation process includes the pre-negotiation, negotiation and mediation processes involved.
2. Readiness to implement the agreement (outcome of agreement). The mechanisms within the agreement include disarmament, demobilization, and the reintegration process; the third-party guarantee and the political settlement.

As stated by Pruitt, the motivation and optimism (which affect the success of the peace process) are not only significant at the beginning of a peace process but also during the mediation/negotiation process and during the implementation of the agreement. These variables are also addressed to the third party, as the intermediary actor in the negotiation.

3.2 Readiness in the Pre-Condition and Negotiation Process

3.2.1 Pre-Condition

This thesis aims to identify the ripe moment that was perceived by the GoI and GAM as bringing them to the negotiating table, and whether that moment happened during the CoHA or the Helsinki MoU process because the clearer the perceived cost and risk, the stronger the motivation of parties to stop the on-going conflict. The various factors considered include:

- Conflict intensity: number of casualties recorded each month, military expenditure, and the number of military and combatant fatalities;

- The impact of conflict on economic, social and political sectors that are measured through economic growth, poverty percentage, political stability and effectiveness, and the amount of public and private infrastructure destroyed; and
- Undeniable disaster or catastrophe.

Furthermore, this thesis examines the factors within the internal political setting of the parties that motivated and contributed to their settling the conflict, since the more democratic the actors, the more favourable the conditions for managing the conflict. The transitional period and institutionalization of democracy were significant factors that reflected the perception and motivation of leaders, such as their response to the ripeness. Pruitt (2005: 15) argues that intra-conflict cannot be permanently transformed unless a political transition takes place.

The level of policy change was another important factor to examine. It includes, among other things, the fair election law in Indonesia, the new president along with his/her mandate, the GoI's ability to control the military, multiple political parties, civil liberties including open public discussion, freedom of assembly and demonstration, competitiveness of political participation, regulation of political participation, competitiveness and openness of executive recruitment, and the GoI's decision to make concessions to GAM, such as the content of the political settlement, and, last but not least, the way the cohesiveness of the party affects the negotiation and maintenance of the reached agreement. Cohesiveness can be measured through certain elements, such as the response of the opposition or other state institutions during the CoHA or the Helsinki MoU process.

The last factor concerns the international setting, which is the factor that drives or coerces the conflicting parties to find a peaceful solution, as Pruitt (2005) argues in his readiness theory. In terms of international setting, there are several areas of focus in this thesis. Firstly, the issues and agenda in the international setting during the CoHA and Helsinki peace process. Secondly, the way the GoI and GAM perceived the international setting in relation to the peace process, and finally, the relation between the international actors that pressurized the GoI and GAM to change the direction of the conflict.

3.2.2 Negotiation Process

In the negotiation process, Pruitt (2005) focuses mostly on optimism as the main element in reaching a negotiated settlement. While the perception of mutual hurt creates a motive for bringing the conflicting parties to the negotiating table, he argues that without optimism from both sides, the ripe moment will be worthless. Optimism arises when both parties sense that they will possibly reach a settlement; this is not only required when the peace negotiation starts but also during the process itself.

At the beginning of readiness, pre-negotiation can take the shape of conciliatory signals that are sent to the other side. This step can be initiated when one party has reached some degree of readiness to assess the prospect of negotiation. Pre-negotiation is a crucial process in changing the party's relationship and assessing the way the conflict will be settled. Moreover, the party would internally anticipate potential spoilers within its ranks when the negotiation starts. This thesis examines the level of optimism of the GoI and GAM, and how it functioned during the pre-negotiation process in the CoHA and Helsinki MoU process by way of:

- Behavior change from violent drive to political tactics: policies to reduce firearms in the field and control aggressive military movement;
- A clear proposal that accommodates similar goals and a common perspective of peace offered by the GoI and GAM, or at least one party, during the pre-negotiation process;
- Building trust and confidence, and setting the level of intensity and of formal and informal communications to be conducted between the GoI and GAM.
- Setting the framework of negotiation. The clear and specific agenda that affected how smooth the settlement process could be and how it could only be developed when the GoI and GAM showed high optimism concerning the negotiation; and
- Optimism during pre-negotiation can also be identified by how a party anticipates the spoilers within its ranks, from the start of the peace process until the agreement was reached.

Moreover, optimism is also necessary during the negotiation and mediation process. The readiness theory argues that the third party (as the mediator or the guarantor) should be motivated to end the conflict and be optimistic concerning the success of the mediation. Thus, in principle, the readiness to intervene, which is present

when the disputants are ready to negotiate and are motivated to end the conflict, will be noted by the third party who becomes more optimistic about mediating the conflict. The third party should also motivate the leaders of the conflicting parties to recognize the ripeness of elements and create optimism towards the success of negotiation. In addition, a strong third party will exert effective pressure on the disputants to influence the parties trying to end the conflict, and this can increase the parties' optimism concerning the success of the negotiation.

This thesis further examines the readiness context of the third party through several investigations, including:

- The motivation variable: How did the HDC and CMI perceive the ripeness, cost and risk associated with the conflict at the early stage of the peace process?
- The optimism variable: Were there similarities in the perceptions held by the mediators (HDC and CMI), the GoI, and GAM concerning the ripeness, either in the CoHA or Helsinki process? Are there similarities in perceptions held by the mediators (HDC and CMI), the GoI, and GAM concerning the negotiation process, including agenda and topic?
- The strong third-party variable: What was the role of the HDC and CMI associated with their mediation behavior and strategy (Kressel 1972; Touval and Zartman 1985)? What had the HDC and CMI experienced in the past, such as the number of prior mediations conducted by each? What was the commitment of both parties in the two peace processes? How did the HDC and CMI criticize the position of the GoI and GAM? How did the HDC and CMI pose the problem to be solved? How did the HDC and CMI challenge the disputants to develop new ideas and how did the HDC and CMI suggest new ideas for resolving the problem? How did the HDC and CMI go about asking embarrassing or sensitive questions about a disputant's story or position? How did the HDC and CMI build and prioritize the agenda to be discussed? How did the HDC and CMI develop efforts to keep order, such as when attempting to tone down the parties' hostility and to take control of the session? How did the HDC and CMI pressurize GAM to reach an agreement (e.g. mentioning the escalating cost of non-agreement, making threats, and the like)?

Furthermore, the readiness theory is related to interest-based negotiation or problem-solving. The theory argues that the common solution will work when both

parties scale down their individual goals and aspirations and that it will encourage greater optimism for the success of the negotiation for either one or both parties. Optimism will also increase when the parties have trust in each other, and as a consequence, feel confident that they can reach a consensus and commit to it.

This thesis has identified the variables in the CoHA and the Helsinki MoU, in order to identify optimism in the interest-based negotiation context, and to assess the GoI's and GAM's behavior during the CoHA and the Helsinki MoU peace talks. In particular, was there a tendency for problem-solving behavior, such as open communication, collaborative attempts to sharpen issues, concern for each other's interests, exchange of information, and invention and critiques of the new alternative? Or, was there a tendency towards contentious behavior, such as threats, heavy positional commitment, hostile questioning, behavior put-downs, and character assassination?

3.2.3 Readiness in the Outcome of the Agreement

One of the important notions mentioned in the readiness theory is the nature of agreement reached in the negotiation. The theory argues that the conflict will continue unless the deeper issues are resolved and both parties agree on political settlement, as a ceasefire will never halt military action permanently. The party that shows the greater readiness should make more concessions and hence be less favoured, that is to say, in the final agreement. The durability of the negotiated agreement is determined by whether the motivation and optimism continue and are maintained after the agreement is signed, not only by conflicting parties, but also by the third party as the guarantor (Pruitt 2005: 13–14).

Related to the outcome of negotiation, the research examines how the readiness theory works in supporting the durability of agreement by investigating:

- The type and mechanism of agreement that has been signed: e.g. a partial or full agreement, and
- The content analysis of the peace agreement that has been produced, e.g. provision of political settlement, and of mechanism implementation (including ceasefire and the DDR process).

Readiness is defined by the agreement and its mechanism in which the motivation and the optimism are sustained and maintained by both conflicting parties.

The level of commitment of the conflicting parties to the agreement and respect towards the third-party presence was also assessed. This was measured through violations of the agreement and implementation of provisions.

As noted, the third party is an important element in translating the agreement into peace. Pruitt (1997: 89) argues that motivation and optimism are variables that influence the effectiveness of a third-party guarantor. At this point, the research examines the capability of the third party in controlling the behaviour of the parties after the agreement has been reached, including the number of violent incidents, number of compliances, and implementation of the DDR. The third party also facilitates the implementation of the new institutional arrangement as conflict transformation, including support for elections and establishment of the new law.

Another important factor in conflict transformation according to the readiness theory is that peace can only be sustained when the political issue is settled. To identify whether political issues have been settled, this thesis examines the different kinds of political settlement: how the parties' interest was accommodated in the settlement and how the political settlement worked as part of conflict transformation. Specifically, the focus is on the mechanism in which the readiness theory functioned through multiple steps, thus affecting the durability of peace in Aceh by addressing the following questions:

- How did motivation influence the GoI and GAM to end the conflict and encourage greater optimism for the success of the negotiation?
- How did optimism create a new motive to start the pre-negotiation processes and send conciliatory signals to the other side?
- How did the third party motivate the GoI and GAM to resolve the conflict by becoming more optimistic itself and taking the initiative to be a mediator?
- And finally, how did the motivation and optimism translate into the agreement, and how were motivation and optimism maintained after the agreement was achieved?

Table 3.1 Factors influencing the peace process leading to the hypotheses of this thesis

<i>Which factors made both parties agree to negotiate?</i>	<i>Which factors prevented both parties from reaching a full</i>	<i>Why did the CoHA fail and why did the Helsinki MoU</i>
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	<i>agreement in the CoHA and made both parties agree to sign a full settlement agreement in the Helsinki MoU?</i>	<i>yield a successful outcome and create durable peace?</i>
<i>Factors in each phase:</i>		
<p>Factors in the precondition phase:</p> <ul style="list-style-type: none"> - The ripe moment and interest dynamics of parties including mutually hurting stalemate (ripeness), and the perception of a “way out” - Existing domestic political setting including trend of democratization and perception of the leaders - International community support that is influenced by the global trend 	<p>Factors in the negotiation process phase:</p> <ul style="list-style-type: none"> - Negotiation approaches, whether the parties applied positional negotiation or interest-based negotiation - Mediation approaches including the role, strategy and behavior of the mediator - Dynamic relationship between the parties 	<p>Factors in the outcome of agreement phase:</p> <ul style="list-style-type: none"> - Whether the mechanism within the agreement is well designed - The effective role of the third-party guarantee for post-agreement implementation - The success of the political process implementation: transition from conflict to peace through civil participation, elections, formulation of the constitution, and promotion of human rights.

3.3 Data Collection and Personal Involvement

This thesis was conducted by analysing the concurrent relevant literature, comprehensive case studies of similar conflicts, and field observations to investigate the impact of conflict and peace agreements in the community. The field observation also included the study of the impact of the Helsinki MoU on the socio-political life combined with some existing statistical data related to the conflict intensity before and after the agreement. The research materials included peace agreement documents, official documents, media statements, relevant books in the local and other languages and official reports from government or non-governmental organizations (NGOs), and statistical data.

The data and information used in this thesis have been collected since 1999 when the author was actively involved in the peace process in Aceh, as a peace and human rights activist, interlocutor for the HDC and President Ahtisaari, informal advisor to President Wahid, a negotiator for the Joint Committee for Consultancy Democracy that represented GAM, and as Head of the Interpeace/Indonesia Peace Institute *Institut Perdamaian Indonesia*, an organization that facilitated the communication between the representatives of the GoI and former GAM leaders after the end of the AMM.

The author's involvement in the peace process gave advantages to understanding the events in detail and also the opportunity to understand the perspectives of both parties, including the mediators. The discussions and interviews were conducted with the key stakeholders involved in the peace process. These stakeholders included GAM combatants in Aceh during the period of 1999–2003, a GAM spokesperson at the field level (1999) and in Sweden (2011), and former GAM members who established the *Markas Besar GAM* (MB-GAM) or GAM Headquarters in 2010. The author also conducted interviews with student activists, NGO workers, and prominent leaders in Aceh such as *ulama* (religious leaders), political leaders and parliament members from 1999 to 2005, who were involved in the peace campaigns.

In addition, the author had an opportunity to communicate with President Abdurrachman Wahid, who initiated the peace process in Aceh. The author, along with several peace activist groups, also met with several ministers who were involved in the peace process, including the Minister of Foreign Affairs, Hasan Wiradjuda (the Minister of Defence), Mahfudz MD (the Coordinating Minister for Law, Security and Political Affairs), Susilo Bambang Yudhoyono, and the former head of negotiators of Indonesia, Ambassador Wiryono Sastrohandoyo. These opportunities have provided the author with deeper insights into and a better understanding of the approaches and strategies used by the Indonesian elites to settle the problem.

During the Helsinki MoU process, the author also communicated intensively with Mr. Juha Christensen, who was one of the key actors in this process. From Christensen, the author obtained comprehensive information on the chronology of the negotiation and mediation process, and about the strategies developed and efforts made to build and maintain trust during and after the negotiation process. In addition to the

aforementioned people, the author also interviewed several key informants from GAM to find information about their internal dynamic, motivations and the goals they wanted to achieve in the peace process. These informants perceived the author as an Acehese scholar and peace activist, and were therefore willing to be interviewed and to share some confidential information that sometimes differed from what was published in the media.

The author's personal involvement in the peace process of Aceh since 1999 to 2008 is illustrated in Table 1. All data and information were obtained through in-depth discussions, private meetings, interviews and direct observations.

Table 3.2 List of the author's involvement during the peace process in Aceh (1999–2005).

Date	Organization of the author	Position and activity of the author	Resource person	Position	Issues discussed
1999–2000	National Committee of Acehese Youth and Students	- Member - One of the initiators of the Referendum movement	Ismail Syahputra	GAM Spokesperson GAM Commander in North Aceh	Historical background of GAM. GAM's motivation in negotiation, and GAM's strategy in winning the war
			Malik Mahmud	Prime Minister of GAM	GAM's vision and strategy
			Ambassador Usman Hasan	President Habibie's special envoy to Aceh	How to solve human rights violations in Aceh
			President Abdurrachman Wahid	President of Indonesia, Muslim leader	How to open the dialogue with GAM, the role of civil society the

					process, and law enforcement approach for stability's sake
			Karya Saman	GAM leader, Minister of Defence	Armed struggle strategy and negotiation
			Syamsuddin Mahmud	Governor of Aceh	Initiative to open dialogue with GAM leader in Sweden
			Naimah Hasan	Indonesian Negotiator, Women Affairs Activist	Special Autonomy as a realistic solution for Aceh
			Muzakir Manaf	Chief Commander of GAM	GAM's military strategy during negotiation process
			Hassan Wiradjuda	Foreign Minister; initiator of the peace process	Negotiation issues
			Mahfudz MD	Defence Minister	Security issue
1999–2000	The Institute for Peace and Human Security Studies	- Director - Research Resource person	Afdhal Yasin	Facilitator between civil society in Aceh and President Abdurrachman Wahid, and interlocutor for President Abdurrachman Wahid	The involvement of civil society in the peace process

		-	Radhi Dharmansyah	SIRA activist	Referendum strategy
		-	Muhammad Nazar	Chairman of SIRA	Referendum strategy
		-	Syarifuddin Tippe	<i>Komandan Resimen Militer</i> , or Military Regiment Commander	Security approach and dialogue
		-	Nur Nikmat	Acehnese Businessperson and friend of Hasan Tiro	Informal approach to start negotiation.
1999	Team 21 – Peace Advocate	Member	Abdurrachman Wahid	President of Indonesia, Muslim leader	Facilitating communication between the GoI and GAM to start the negotiation process
2001–2002	Aceh NGO Coalition for Human Rights	Program Manager	Sofyan Ibrahim Tiba	GAM Negotiator	The political strategy of GAM
			T. Kamarazuman	GAM Negotiator	The political strategy and GAM position in the negotiation process
			Wiryono Sastrohandoyo	GoI Negotiator	Prospect of peace negotiation
2001	Free Aceh Movement/ GAM	Negotiator of Joint Committee	HDC, and negotiator member from	Facilitators and Negotiators	Negotiation process and obstacles

		Democratic Consultation	GAM and the GoI		
2004	National Early Warning System	Team Leader	Juha Christensen	Peace initiator	Pre-negotiation process and support of civil society
			CMI	Mediator	The role of mediator and civil society
2008	Interpeace	Head of Office – Aceh	Zaini Abdullah	GAM leader	Reconstruction
			Amiruddin	Brigadier General, Head of FKK Communication and Security Forum	Implementation of the MoU, elections, truth and reconciliation, and security issue
			Muzakir Manaf	GAM leader/Formers GAM Commander	Implementation of the MoU: security issues, and elections
			Farid Husain	Peace initiator	Implementation of the MoU

Being Acehnese himself, the author avoided the potential ethnic bias by way of approaching resource persons or informants with an analytical distance. All information is filtered with the awareness of the informants' interests. As a human rights activist and civilian, the author put more effort into understanding the perspective and approach of both of the military wings of the conflicting parties. Although difficult to obtain information or statements from these military wings during the conflict period, some information was collected through the media.

Despite being an insider who had been involved in the peace processes since 1999, the author had access to confidential interviews with many important informants,

but since it was only one decade after the conflict ended, the author negotiated with these informants and resources to publish these sensitive items of information in this thesis in compliance with the ethical standards of the University of Helsinki.

3.4 Analysis of Data

Qualitative research design was used in this thesis to explore the failure of the CoHA and the durability of the Helsinki MoU. Theories and facts were analysed by operationalizing the theoretical concepts into elements that can be empirically observed. This operationalization uses qualitative and quantitative data as the basis of the analysis. Based on the ripe moment theory, this thesis focuses on the perceptions of GAM and the GoI of the existing conditions regarding the mutually hurting stalemate and mutually enticing opportunity during the peace talks. To identify these conditions, the following data were collected:

- Social implications during conflict: including human rights violations and economic growth;
- Impasse: the number of deaths on the battlefield for both GAM and TNI/POLRI; the impact of conflict (military operation) on stability and peace in Aceh correlating to the development sector and the level of international support for GAM's survival.
- The impact of the tsunami on both the GoI and GAM.
- The large budgetary commitment by the central government to the military operations in Aceh versus the meagre results achieved in terms of building stability in Aceh.

Positional negotiation and interest-based bargaining negotiation approaches were also used to analyse how the GoI and GAM negotiated their aims and how these were translated into the durable peace. These negotiation styles were used as the basis to analyse the relationship between the peace agreement and its implementation, including the ways in which the issues, values, perspectives of crucial points and goals from each party were transformed to develop mutually beneficial agreements and whether they contributed to establishing peace in Aceh.

In this context, questions surrounding how the conflicting parties bargained during negotiations needed to be resolved. Did they create the value or claim the value? Did they discuss the values cooperatively or competitively? Did they demand

concession as a condition of the relationship or separate the people from the problem? Did they distrust others or did they have a realistic appraisal to attempt to develop trust? Did they dig into their position or focus on interest? And did they try to reach a win-win solution as the join-gain or win-lose (zero sum) solution? Accordingly, to understand the factors that contributed to the durability of peace, this thesis examines the mechanisms within each agreement by using data-collection techniques. These include using any available information to evaluate the content of the peace agreement documents, interviews with key informants, and observations of the agreement implementation.

3.5 Process Tracing and Comparison Methods

This thesis identifies different characteristics of each peace process in Aceh and analyses the mechanism of each process through the historical approach and process tracing methods. George and Bennett (2005) define process tracing as a method that attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable and the outcome of the dependent variable. The method was to specify the mechanism linking the causes and effects. These theories guided the process tracing through reconstructing an explicit chronology of the CoHA and the Helsinki MoU that constitutes the process of interest. Data on the process between the independent and dependent variables were collected and used to determine how, for example, positional bargaining led to failure, and how a ripe moment led to the willingness to negotiate.

This thesis attempts to explain what had stimulated GAM and the GoI to enter the negotiation process. This thesis also discusses how the conditions led to a successful and/or an unsuccessful negotiation, including a discussion on the way the negotiation and the mediation style led to the implementation of a peace agreement and their effects on the durability of peace. A comparative method in examining the CoHA and the Helsinki MoU has been used in this thesis. It focuses on differences and similarities, such as the factors that have been translated into the durability of an agreement derived from both peace processes. The unit of analysis compared was the peace process from the CoHA and the Helsinki MoU that had been translated into failure or durability, including the respective techniques of mediation, content of negotiation and agreement,

perspective of conflicting parties, violation of agreement and conflict intensity in the field during the peace process.

CHAPTER 4

COMPARISON AND ANALYSIS OF THE TWO PRE- CONDITIONS OF THE PEACE PROCESSES

4.1 Introduction

As mentioned in Chapter 3, to develop a systematic explanation, this thesis has categorized the readiness theory into three phases that reflect the process of peace, which is the pre-condition, the negotiation and mediation process and the outcome of agreement. This division into three phases facilitates the explanation of comparing the two peace processes in Aceh by tracking the existing factors that led to the success or failure of the negotiations. The author has received consent from his previous organization where he was employed to use the data for this thesis (with reference to Chapter 3, Table 3.2).

4.1.1 The Roots of the Movement

The conflict in Aceh was the longest post-colonial conflict in Indonesia. This was the first intrastate conflict after Indonesia proclaimed its independence, which involved the rebellious movement *Darul Islam* (DI) in 1953, a movement aimed to establish an Islamic State in Aceh. This resistance movement was led by Daud Beureueh, an Acehnese charismatic religious leader, known as *ulama*. The main trigger of the movement was the controversial policy of President Sukarno to merge Aceh into the province of North Sumatra. The conflict between DI and the GoI lasted for four years before both parties agreed to sign a peace agreement in mid-April 1957. This agreement, which is known as *Ikrar Lamteh* or the Lamteh Pledge, granted Aceh special status under the sovereignty of Indonesia. Specifically, it guaranteed Aceh's autonomy to handle its religious affairs, customary laws and regulations in the field of education.

However, peace in Aceh only lasted for nineteen years. The second conflict in Aceh erupted in 1976, involving a movement called *Gerakan Aceh Merdeka* (GAM) or the Free Aceh Movement initiated by Muhammad Hasan di Tiro. This movement emerged as a result of the economic disparities and a centralistic development system of the GoI. This cause is relevant to the internal conflict theory that states that conflict can arise from relative economic deprivation (Gurr, 1970; Kell, 1995). In the context of

Aceh, the relative economic deprivation arose from the exploration of liquefied natural gas (LNG).

In 1974, Aceh became the third biggest contributor to Indonesia's national revenue. In the 1980s, Aceh contributed USD 2–3 billion annually, and by the 1990s Aceh contributed around 30% of export revenue through oil and gas while Indonesia contributed about 40% of LNG in the world (Foisy, 2001: 9). Ironically, according to *Biro Pusat Statistik* (BPS Report, 1993) or the Central Bureau of Statistics, only 10% of all villages in Aceh had access to electricity and only 20% of families living around the LNG Plant had access to clean water in 1993. Almost half of the Acehnese people lived in poverty. Around 40% of Acehnese were categorized as impoverished, and, from a total of 5,643 villages, 40.23% (2,275 villages) were categorized as underdeveloped, most of which (692 villages) were located in North Aceh. Aceh did not receive an equal share of benefits from its natural resources exploited by the GoI. Ironically, Aceh was the seventh poorest province out of the 27 provinces in Indonesia (BPS Report, 1995).

The other source of grievance was that the special status awarded to Aceh as political compensation was never fully implemented since Suharto came into power in 1966. In line with his approach to development and political stability, Suharto resorted to centralizing all local authorities and powers in his hands, standardizing the rules of all traditional organizations, negating all local authorities and the “special” region of Aceh, and implementing a centralized governance system. This approach was legalized in *Undang-undang Pokok Pemerintah di Daerah Nomor 5 Tahun 1974* (Basic Law concerning Local Government No. 5 of 1974).

In his book *Why Men Rebel* (1970), Ted Gurr argues that when one's way of life is threatened by a new expansion, people tend to be rebellious. While he focuses more on the gap in economic expectation as the main factor of rebellion, in the Acehnese context there was another gap, namely thwarted political expectation. In this case, according to Bachtiar Abdullah, the GAM headquarters spokesperson and also the negotiator in the Helsinki MoU process, the Acehnese felt unjustly treated and felt frustrated with the central government. In terms of political grievance, the source of relative deprivation was the gap between what legally belonged to Aceh, the implementation of the Special Province, or *Daerah Istimewa*, and what President Suharto was willing to give in practice (interview with Bachtiar Abdullah in Stockholm,

November 2010). Being aware of this precarious situation, Hasan Tiro politicized the local discontent and transformed it into a form of Acehese nationalism, as he wrote in his book *The Price of Freedom* (1984):

“In a cabinet meeting today we decide that it is time to begin preparation to safeguard our natural resources. Which are being increasingly plundered by the Javanese and their foreign cohorts, especially our oil and gas. Without the money they are making from the illegal sale of our oil and gas, the Javanese will never be able to finance colonial war against us”. (Tiro, 1984: 105)

Moreover, Tiro and his followers instilled Acehese pride through propaganda that Aceh politically deserved the right to self-determination and reminded the people of the historical fact that Aceh was actually an independent state, internationally known as an Islamic Sultanate, before the Dutch colonial war in 1873. As stated by Gurr in his book *Minorities at Risk: A Global View of Ethno-political Conflicts* (1993), the risk of intrastate conflict is much greater for ethnic areas that have been “independent” before the colonial period, such as Aceh.

In GAM’s perspective, Indonesia was not a “genuine nation”. They argued that a nation must consist of a group of people sharing a certain geographical area, a common language, traditions, and way of life, as well as history and aspirations, and therefore, this concept does not apply to Indonesia (Abdullah, 2010). Historically, before the Portuguese, Dutch and British landed in *Nusantara* (the name given to the area in former times), the area consisted of independent kingdoms that were established on the basis of a pre-existing ethnic plurality (Malays, Acehese, Batak, Javanese, and others). In the seventeenth and eighteenth centuries, the VOC (*Vereenigde Oostindische Compagnie* or Dutch East Indies Company) identified the kingdoms in *Nusantara* and subordinated them under the Dutch administration by using the term “Netherlands Indies”. Subsequently, the kingdoms succumbed to the colonial government of the Netherlands Indies through force and violence (Riclef, 1991).

During the independence war in 1945–1949, all national leaders, who came from different ethnic and ideological backgrounds, came to repel in unison their common enemy, the Dutch colonialists. However, GAM argued that, even after 1945, colonialism in fact did not end. As the Dutch colonists left, Javanese colonialism began

under the same administrative regions using the same government system and laws used during the Dutch colonial era (Declaration of Independence of Aceh). By simplifying the historical background, GAM asserted that Indonesia was in fact a product of Dutch colonization, treated as an administrative region in the Dutch colonial empire. If the Dutch colonialism had been wrong, the Javanese colonialism as the successor to the Dutch regime was also wrong, as stated in International Law *Ex Injuria Jus Non Oritur* (Tiro 1984), meaning that law does not arise from injustice. For Hasan Tiro, as he wrote in the Declaration of Independence of Aceh, rights for justice could not arise from the crime; the truth could not arise from the mistake. This perception became the basis of GAM's struggle.

As the insurgency in Aceh escalated, from 1978 until 1979, the GoI undertook a military action encoded as *Operasi Nenggal*, or the Nenggal Operations, XXVI and XXVII, to limit GAM's manoeuvres with 125 members that were mainly concentrated in Pidie (Conboy, 2003: 185). As a result, Hasan Tiro and his followers left Indonesia and sought refuge in other countries. During the 1980s, GAM leaders actively recruited the new followers and sent some of them to military training in Libya. From 1985 to 1989, many GAM combatants who were previously trained in Libya returned to Aceh. By way of response, in July 1990, the GoI deployed 6,000 military personnel to Aceh, included two battalions of *Kopassus* (Hamzah, 2014: 567). The military operation code-named as *Operasi Jaring Merah* (Red Net Operation) I–IX was continued for nine years. Aceh then became a *Daerah Operasi Militer* (DOM) or Military Operation Zone. The military approach to counter GAM's movement had resulted in gross human rights violations that made the conflict more difficult to resolve.

4.1.2 The Reform Era and the Open Dialogue with GAM

To protect the territorial integrity and to resolve the main problem that was created by Suharto's centralistic regime, Habibie's interim presidency (1998–1999) offered a decentralization model to rebuild a new relationship between the GoI and Aceh. Habibie promised to grant special status to Aceh in accordance with Act 4/1999 concerning the Special Status of Aceh. This law legalized Aceh as an ethnic entity with the privilege of managing its internal affairs, which included all sectors except foreign affairs, defence, monetary, fiscal, security and judicial affairs. Besides the decentralization policy,

Habibie showed his willingness to re-establish a good relationship between Aceh and the central government by making the Chief of Army, General Wiranto, apologize for the violations committed by the Indonesian military during DOM (7 August 1998). Two weeks later, the non-organic military group gradually withdrew from Aceh. During the DOM period, a very conservative report noted that 6,873 people had been killed (National Commission for Human Rights, 1988); however, other reports from the NGOs estimated that approximately 12,000 to 15,000 were killed in Aceh between 1976 and 1998 (Aceh's NGO Coalition for Human Rights Report, 1999).

In early 1999, Habibie granted amnesty to 39 GAM political prisoners and promised to treat them just like brothers. In March 1999, Habibie visited Aceh and publicly apologized again for the human rights tragedy during DOM and promised that the GoI would never again use a military approach to settle the conflict in Aceh. Habibie's presidency wanted to give a signal to the public that Indonesia would start a new era in which human rights principles would be the basis for building a relationship between the government and its citizens. In his Presidential speech, on 17 August 1998, commemorating Indonesian Independence, Habibie declared that the government would protect and promote human rights in coherence with Indonesian democracy and global norms.

However, Habibie was in office for only seventeen months. During this short period he had laid the groundwork for the transition to democracy in Indonesia. Abdurrahman Wahid was inaugurated as the next President of Indonesia (1999–2001). He was known as a democratic activist, who continued the reform agenda, such as passing the Human Rights agenda into the amendment of the 1945 Constitution, Chapter X A, Act 39/1999 concerning Human Rights, the Government Regulation No. 1/2000 concerning the Human Rights Courts, and Act 26/2000 concerning the Human Rights Courts. To resolve the conflict in Aceh permanently, President Abdurrahman Wahid, as the new leader, brought the prospect of peace by offering two solutions: the establishment of autonomy for Aceh, which had been started in Habibie's period, and an open dialogue with GAM as well as with other members of Acehnese society.

In early 2000, Wahid started the negotiation process with GAM, which was mediated by HDC. At the same time, with recommendation from the central parliament, he also offered the special autonomy option including the implementation of Islamic

Law for Aceh. According to the central government, allowing the implementation of Islamic Law for Aceh was one of the solutions that were considered effective for resolving the conflict in Aceh, noting that the majority of Acehnese were Muslims, in addition to the fact that Aceh had been fighting for an Islamic law since the 1950s. Through this Islamic law approach, somehow, the central government assumed that GAM was an Islamic movement that would defuse its tenacity and accept the offer of autonomy (Naga, 2000).

President Wahid showed his political will by releasing numbers of political prisoners from GAM who had been punished for their subversive acts during Suharto's era. This policy was very significant and indicated that a democratization process was taking place in Indonesia. Nevertheless, Wahid's presidency did not survive long. The political support for him gradually decreased. His policy to reform the military and replace several ministers was considered too hasty, and he had disappointed certain political parties from *Poros Tengah* or the "Central Axis". Some of his hasty statements often created controversy. Some analysts commented that Wahid's presidency was progressing in a "chaotic way or zig-zag manner" and that he was trying to rush the reform agenda with very limited political capacity and capital to complete what was started. In doing so, he made many enemies within his own coalition, which consequently caused the decreased support for his policy (*Tempo*, 13 April 1999).

In mid-2000, Wahid was involved in two financial scandals, popularly known as "Buloggate" and "Bruneigate", when he was not able to account for the use of USD 2 million he had received from *Badan Urusan Logistik* (Bulog), or the Logistics Agency. This scandal spread throughout Indonesia, and resulted in parliamentary impeachment. He was finally removed from office on 23 July 2001. He initially garnered very strong support from the Islamic Parties in parliament through the Central Axis, but in the end, the parties withdrew their political support, and he succumbed to impeachment. The only party that gave him all-out support was *Partai Kebangkitan Bangsa* (PKB, or the National Awakening Party), the party that was founded and chaired by him. However, the party could not provide much help to him, as it was a small party that only had won 12.61% of the votes in the 1999 election, with 51 seats in the central parliament.

Megawati Soekarnoputri, the Vice President during Wahid's presidency, became the fifth President of Indonesia (2001–2004). She continued to work on the policies left

by Wahid concerning Aceh and continued the negotiation with GAM that had started in 2000 and was mediated by HDC. The GoI proposed a political solution for GAM, the implementation of special autonomy in Aceh through Act 18/2001. This law was the revision of Act 4/1999, which was considered to accommodate the Acehnese's proposal. Act 18/2001 included one of the provisions stating the change of name of Aceh Province to *Nanggroe Aceh Darussalam* (Aceh Peaceful State). The special autonomy allowed Aceh to control over 70% of its oil and gas revenue for the next eight years (Act 18/2001, Article 182, paragraph 4). However, the provision of wider autonomy garnered a minimum amount of response from the Acehnese as autonomy was viewed as an insubstantial step in relation to the problems in Aceh. According to GAM's spokesperson, Ismail Syahputra, as an armed ideological force, had clearly stated that it would continue to choose the road to independence, and autonomy was only viewed as a trick that the central government employed to draw sympathy from the Acehnese (interview with Ismail Syahputra in North Aceh, April 1999).

The negotiation process resulted in the Cessation of Hostilities Agreement for Aceh (CoHA) that was signed by the GoI and GAM on 9 December 2002. Unfortunately, this agreement could not bring sustainable peace. In fact, only after six months, the peace process ended in stalemate. On 18 May 2003, the last meeting in Tokyo took place during which Indonesia demanded that GAM relinquish the armed struggle, eliminate *pajak naggroe* (state tax), stop extorting the people and committing other criminal acts, and accept autonomy as the only solution. GAM refused to agree on the first day of the meeting (Abdullah, 2010).

4.1.3 Military Operation and the Helsinki MoU

A few months before martial law was established in May 2003, the Indonesian military had already played a more intensive role in Aceh by creating and consolidating the pro-Indonesia militias or *Pembela Tanah Air* (PETA) in Central Aceh Districts. The military believed that GAM would never surrender. The Army Chief of Staff, General Ryamizard Ryacudu, said that TNI's duty in Aceh was to focus on destroying GAM's military force and that other issues were of no concern to the Indonesian military (*Serambi Indonesia*, 3 March 2003). On 18 May 2003, Megawati issued martial law for Aceh, and the GoI started its largest integrated military action since Indonesia had

invaded East Timor in 1974. The GoI deployed 20 of 50 military battalions to Aceh. Since 1977, the GoI had launched 16 military operations to destroy GAM (Hamzah, 2014: 542).

The GoI perceived that Aceh's state of danger had reached the military emergency level. To avoid international criticism, the GoI combined the non-military approach in the structure of a joint-operation that included humanitarian operations, refortifying the local administration, security restoration operation and law enforcement. The GoI argued that the military operation was not a war in the traditional sense but was combined with social and political approaches, as military force alone could not resolve the political crisis in Aceh.

The military operation was designed as an integrated operation or *Operasi Terpadu* with the deployment of 34,154 TNI personnel and 14,500 Indonesian police against 5,000 GAM guerrillas with 2,000 weapons (*Serambi Indonesia*, 19 May 2003). The government designed Martial Law as a comprehensive approach that cost almost 1 billion Euros over a period of 12 months (*Parliament press statement*, 20 May 2004). The comprehensive approach was divided into four operations: security restoration, humanitarian operation, law enforcement, and government stabilization (*Serambi Indonesia*, 20 May 2003). Security restoration aimed to restore security in Aceh by destroying GAM's forces and its influence in the community, both militarily and politically.

The humanitarian operation focused on normalizing civilian life including health services, livelihood programs, civilian protection, and providing job opportunities for the unemployed. Law enforcement focused on the strengthening the part that targeted GAM members. Lastly, the government's stabilization focused on improving the local government functions at the village, district, and provincial levels. On 5 May 2004, the military headquarters reported that 4,750 out of 5,947 villages and 99 out of 228 districts did not have a functioning local government (*Serambi Indonesia*, 28 May 2003). Thus, the operation was expected not only to undermine GAM's forces but also to win the hearts of Acehnese people through the normalization of civilian life and government functions (*Kompas*, 20 May 2003). By way of this integrated operation, the government hoped that a successful military operation would be followed by a non-military approach.

The military operation that was originally planned for six months (May to November 2003), continued for another six months as the TNI argued that the GAM commander was still actively fighting although thousands of GAM members had been arrested or killed in the first six months of operation (*Serambi Indonesia*, 8 January 2004). The military operation then became less intensive after Susilo Bambang Yudhoyono came to power on 20 October 2004 through a democratic election process. Yudhoyono, who became the new president by popular mandate, was expected to bring new hope to end the conflict in Aceh peacefully. Farhan Hamid, one of the Aceh MPs, argued, “An opportunity like this cannot be obtained if the administration remains the same” (*Detik*, 28 December 2004).

By the end of 2004, the GoI and GAM agreed to re-open the negotiation panel that would be mediated by Martti Ahtisaari through CMI. After five rounds of peace talks, both parties signed a Memorandum of Understanding in Helsinki on 15 August 2005 to end the conflict. From 2005 until 2011, this Helsinki MoU was able to bring forth durable peace in Aceh as evidenced by the successful Disarmament Demobilization and Reintegration (DDR) process, the formulation of the law on the Governing of Aceh, and the successful implementation of the election and political transition. Generally speaking, the Helsinki MoU had made Aceh a more peaceful place to live.

4.2 Ripeness, Readiness, and Motivation

Based on the description above, this part focuses on the empirical analysis to examine how the readiness theory could explain the research question dealing with which factors made both parties agree to negotiate in the Helsinki peace talks or in the previous negotiation. The structuring of the explanation and analysis is divided into two parts:

1. The pre-condition process for the CoHA
2. The pre-condition process for the Helsinki Peace Talks

This thesis explains how motives and optimism were the factors that determined how the conflict in Aceh was carried out according to various aspects. In terms of the precondition aspect, perception was the key factor that motivated the GoI and GAM to negotiate, and this thesis finds that the perceptions were related to certain conditions, such as conflict dynamics, as well as the domestic and international situation. The GoI

and GAM had partial perceptions concerning ripeness, which caused each party to perceive the conditions according to different interests. Despite the fact that both parties were ready for negotiation, they had different motives for utilizing the peace talks, either for joint settlement or ‘personal’ victory. This situation could be found during the first round of the peace process; even though both parties were ready to negotiate, they had different motives and levels of optimism. In the Helsinki MoU process, both parties were ready to negotiate with similar motives and optimism that were determined by how the party perceived the ripeness.

However, the readiness to negotiate would not always reflect the party’s perception of ripeness. Contrary to Pruitt’s view (2005), this thesis finds that even though the level of readiness and ripeness in one party might be low, negotiations could still be held and produce a settlement despite the fact that it might not necessarily translate into peace. Readiness can only be measured when each party is committed to implement the peace agreement, as the negotiation and peace agreement might not always be an indicator of readiness if both parties are not committed to its implementation.

The next part of this thesis explains the main factors that affected the perception of both parties during the CoHA and Helsinki MoU processes, which attempts to answer the first research question concerning the factors that made both parties agree to negotiate.

4.2.1 The Precondition Process for the CoHA

As previously described, the new leaders had brought the possibility of change, whether for better or worse. This part of the thesis explains the conditions that brought the GoI and GAM together for peace talks in 2000. They were related to the change of presidential power from Suharto, to Habibie, to Wahid and then Megawati between 1998 and 2004. The initiative and policy options for Aceh taken by the leaders – Habibie, Wahid, or Megawati – were affected by various conditions including the economic crisis and its impact, the 1998 reform movement calling for democratization, as well as the intensive expansion of public space, such as media publications, all of which attracted attention and support from the national and international communities for the case in Aceh.

4.2.2 The GoI: Perception of the Cost of Conflict and Future Catastrophe

The process towards the CoHA started with President Wahid and when he came to power in 1999, the country had not completely resolved past problems. Wahid faced a multi-dimensional crisis that included an economic crisis, the demand for justice for human rights violations during the Suharto era and the current era, inter-communal conflicts in Ambon, Poso, and Kalimantan, the struggle for power among political elites, challenges in reforming the military's role in politics, the potential and actual separatist movements in Riau, East Kalimantan, Southern Moluccas, Aceh and West Papua, and the loss of East Timor – all of which could potentially result in Indonesia becoming the “Asian Balkans”.

4.2.2.1 Escalating Violence and Tension

Noting these various problems, Wahid argued in our private meetings in January 2000 that the separatist movement in Aceh was one of the main priorities that needed to be urgently settled considering the humanitarian costs of the conflict. This appeared to be the main reason for Wahid to open a dialogue with GAM for humanitarian settlement (personal interview with Wahid in Jakarta, January 2000). Since the fall of Suharto, a violent conflict had flared up between TNI-Police and GAM, which resulted in many human rights violations. The extra-judicial killing practices and absence of law enforcement for human rights violators led to a state of anarchy. Numerous cases of gross human rights violations were recorded since the fall of Suharto, from May 1998 to the end 1999, including the KNPI tragedy, the Ida Cut massacre, the Simpang KKA tragedy, and the Teungku Bantaqiah-Beutong Ateuh massacre.

According to *Koalisi NGO HAM Aceh* (2000), or the Coalition of NGOs for Human Rights in Aceh, for 18 months (May 1998 – 1999) there were human rights violations in Aceh that could be classified as gross violations of human rights and crimes against humanity. From 1,523 reported cases, 365 cases consisted of extrajudicial, summary or arbitrary executions, 293 cases of arbitrary arrest and detention, 111 cases of enforced or involuntary disappearance, and 754 cases of torture and other acts of cruelty. The Coalition of NGOs for Human Rights in Aceh noted that there were all sorts of human rights violations in Aceh, which had dramatically

increased in comparison to the nine years of the DOM implementation (Koalisi NGO HAM, 2000).

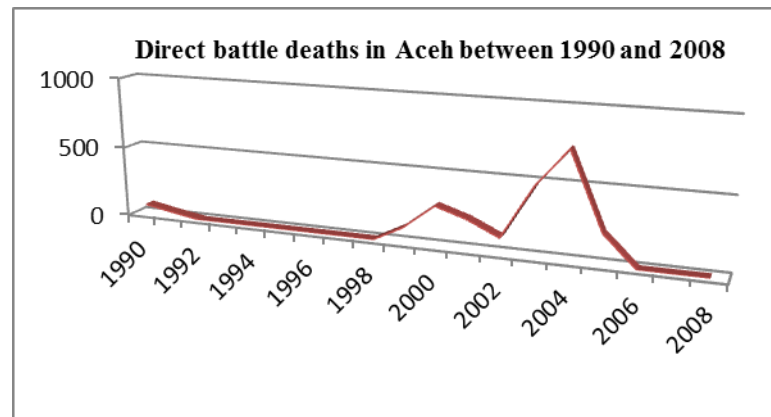


Figure 4.1 Direct battle deaths in Aceh between 1990 and 2008
(Source: Uppsala Conflict Data Program 1990-Version v5/2010)

Aside from the human rights violations, the number of internally displaced peoples (IDPs) had also dramatically increased. It was noted that 120,000 ethnic Javanese who were working at transmigration plantation projects had fled Aceh because of their fear of terror and robbery (Schulze, 2007). The Acehnese were also afraid and intimidated by the military patrols in the villages. There were 30,000 IDPs recorded in 1999 (Koalisi NGO-HAM, 2000). Security personnel in Aceh also became victims of the violence. Between July and December 1999, 53 policemen were killed (Schulze, 2004: 30).

In 1999, from 16 April to 17 December, at least 829 buildings were burnt down including 138 schools and government offices. According to the Coalition of NGOs for Human Rights report, 94 buildings had been burned down. This figure continued to increase until 2003. The education sector clearly suffered from the worst impact. Between 1998 and 2002, some 60 teachers were killed and 527 schools, 89 official houses for teachers, and 33 houses for principals were burnt down (ICG, 2001). More than 27 schools were destroyed, and, later, in May 2003, over 600 schools were burnt in the first week of martial law.

The conflict led to the loss of credibility of the central government in Aceh. This was caused by either the government's inability to bring forth justice for the cases of human rights violations, or the increasing popularity of GAM in Aceh, as GAM was

seen to be a saviour by the common Acehnese. GAM took advantage of the 1998 political momentum by beginning to spread its ideology to the people, especially in the hinterlands, suburban areas and through the mass media in Aceh by means of *dakwah* or propaganda. Furthermore, GAM also started to create a shadow government to replace the government of Indonesia, which successfully worked in the village territories, mainly along the east coast of Aceh, such as Pidie, Bireuen, North Aceh and East Aceh. GAM argued that the local government structure in Aceh was associated with being part of Indonesia as a colonialist structure, and should thus be replaced by GAM's structure, which was adopted from the traditional Acehnese governance system. In 2001, GAM claimed that they had taken over 60–80% of the government roles and functions, including Aceh's legal system (ICG, 2001: 5). Until May 2003, 99 out of 228 sub-districts and 4,650 out of 5,947 villages did not have a functioning local government and some 3,500 heads of villages were controlled under GAM's command (ICG, 2001: 5).

Meanwhile, the political tension in Aceh was increasing. The democratization process had encouraged freedom of speech, and the student movement at the national level had influenced the Acehnese student movements and inspired them to be the agents of change that focused on the issue of human rights. Most Acehnese agreed that the cases of human rights violation should be investigated, and they demanded the Indonesian government to quickly bring the perpetrators to the human rights court of justice and provide compensation and rehabilitation for the victims⁵. However, these demands were not completely met during Habibie's presidency. In addition to the political instability and potential disintegration of Indonesia, it would have been very risky for Habibie to drag the military to court. The Indonesian government assumed that only the military would be able to defend the integrity of the nation and support the ruling regime.

However, due to the worsening conditions in Aceh, in January 1999, the GoI launched *Operasi Wibawa* (Dignity Operation), a security operation that combined the police and military power to restore the situation in Aceh. The security operation was later changed to *Operasi Sadar Rencong* (Rencong Awareness Operation) and then

⁵ Press release *Lembaga Bantuan Hukum Aceh*, or Aceh – Legal Aid Foundation, in Banda Aceh, 2000.

changed to *Operasi Cinta Meunasah* (Love the Mosque Operation). These operations were also the responses to the strengthening of GAM since GAM had started to establish its military and political structure from the provincial to the village levels.

4.2.2.2 The Pro-Referendum Movement

Since the GoI responded to the human rights issues passively, the students moved towards a political struggle that they had learned from East Timor. *Kongres Mahasiswa dan Pemuda Aceh Serantau*, or the Acehnese Student and Youth Congress, which was conducted in February 1999, was initiated by several Acehnese students (including the author, who studied in Yogyakarta and Jakarta) and, supported by the students in Aceh, had recommended a referendum as the political solution for Aceh. One of the recommendations of this Congress was to establish SIRA, referring to *Sentral Informasi Referendum Aceh* (SIRA) (the Aceh Referendum Information Centre) as the task force to disseminate the idea of a referendum and seek support for the realization of the referendum in Aceh. According to Muhammad Nazar, the Chairman of SIRA, the students then actively approached other civil society groups, such as the traditional *ulama* and *santri*, or Islamic students (personal interviews with Radhi Dharmansyah in Banda Aceh, December, 1999). Subsequently, the *ulama* and *santri* were involved in the congress and recommended the referendum as the solution. Later on, they established the organization *Himpunan Ulama Dayah Aceh* (HUDA), or the Ulama Association, and *Rabithah Taliban Aceh*.

The student congress in February 1999 had caused a snowball effect in the civil movement in Aceh in that most of them identified and consolidated themselves based on profession and political orientation, including women's groups, fishermen, peasants, conflict victims, and high school students. Most of the elements demanded a referendum which had been inspired by the East Timor case, proposed giving fair opportunity to the Acehnese to vote concerning whether they wanted to separate from Indonesia or accept the GoI's proposal concerning special autonomy. One of the SIRA members, Radhi Dharmansyah, stated that a referendum was a democratic way to solve the conflict peacefully rather than the military approach that would only prolong the conflict and create a cycle of revenge that would eventually produce new conflicts in future

generations (personal interview with Radhi Dharmansyah) in Banda Aceh, January 2000).

The referendum movement reached its phenomenal momentum on 8 November 1999, as SIRA managed to mobilize hundreds of thousands of people in Banda Aceh in a big rally. This rally shocked Indonesia and the international community. President Wahid even stated from Phnom Penh that Aceh had the right to a referendum, such as East Timor, “*Kalau boleh ada referendum di Timor-Timur kenapa di Aceh tidak boleh? Itu tidak adil namanya.*” [If a referendum was allowed in East Timor, why not in Aceh? That wouldn’t be fair] (*Serambi Indonesia*, 9 November 1999). Moreover, Wahid promised that a referendum would be conducted in seven months’ time (*Serambi Indonesia*, 10 November 1999). This statement was seconded by Amien Rais, the Head of the People’s Consultative Assembly or *Majelis Permusyawaratan Rakyat* (MPR), who claimed that Aceh was, *de facto*, independent (*Waspada*, 30 November 1999).

After 8 November 1999, the referendum option was more popular in Aceh than either independence or autonomy. In one meeting with a civil society group, Wahid responded to the charismatic *ulama* from Aceh, Teungku Ismail Bardan, known as Abu Panton: “I have heard all these demands and I agree. However, the problem is how to convince TNI/POLRI, the legislative powers and parliament...” (*Waspada*, 1 December 1999). This statement increased the expectations of those who had attended the meeting. In fact, Wahid later clarified his statement in that, as a Democrat, he could not stop the aspiration of the Acehnese for self-determination, but as the president, he had the responsibility to maintain national unity (*Radio Netherlands*, 20 November 1999). Although it was perceived publicly that the referendum movement was part of a strategy towards Aceh’s independence, GAM’s leaders, as expressed by Karya Saman, the Minister of Defence, initially assumed that the referendum movement had shifted public support to GAM’s movement and that SIRA could be their potential political rivals in Aceh (interview with Karya Saman in Hatyai, South Thailand, in August 1999).

4.2.2.3 Risk of Future Catastrophe: Economic Impact and International Pressure

Aceh is a so-called *Daerah Modal*, or a capital region. This predicate was given as a token for Aceh’s important role in history during the early days of independence at the time when Aceh was the only area not occupied by the Dutch second military aggression (1945–1949), which, accordingly, had made the international community

recognize that Indonesia still existed as an independent state. The predicate was later associated with Aceh as the fourth richest province in Indonesia (World Bank Report, 2002). Aceh is located in the Malacca Straits and is rich in natural resources, such as oil, gas, minerals, fishery and forestry. For many years, this province contributed 11% of the Indonesian national revenue (Sukma, 2004: 3). The GoI feared that further escalation of the conflict would lead to a decrease in oil and gas production in Aceh, which could further affect Indonesia's economic recovery process. Local media reports stated that GAM had sabotaged the gas and oil industry activity in North Aceh through the kidnapping of *PT Arun* executives in early 2001 and only released them after the payment of a USD 500,000 ransom (*Serambi Indonesia*, 17 January 2001). In August 2001, GAM also kidnapped six ship crews and asked for a USD 33,000 ransom. Furthermore, GAM confiscated over 50 ExxonMobil operational vehicles (*Serambi Indonesia*, 20 August 2001).

Besides economic factors, continuing the conflict in Aceh was risky because of the international pressure on Indonesia, which had been accused of human rights violations just after the announcement of the referendum results in East Timor. This negative image created pressure on Indonesia, especially in front of the EU, the USA and the UN, as Indonesia was simultaneously struggling for economic aid and financial support from these actors who had requested that aside from the economic preconditions that had to be followed by the GoI (such as financial liberalization, privatization and deregulation), the international regime requested the political conditionality of aid. The doctrine of democracy and human rights has been a key issue since the mid-1980s and after the Cold War, and is embedded within an evolving system of international humanitarian law and diplomacy. The international regime that was initiated by the USA and its allies proposed the agenda of democratization and respect for human rights as the starting point for the government to improve economic growth and political stability.

International aid to Indonesia was part of the American allies' strategy for hegemony in Southeast Asia and to enable them to expand their sphere of influence. After the Cold War, the international constellation was dominated by liberalism, democracy and capitalism, and many developing countries were adjusting and reforming themselves to receive support from Western countries. The US and its

allies in the Cold War had placed emphasis on democratization programmes and used these programmes in their foreign affairs policies. Several principles adopted in the American diplomacy and international aid programmes through the United States Agency for International Development (USAID) include “providing relief in humanitarian crisis, helping to promote development and reduce poverty in the poorest countries, advancing humane concerns by improving the quality of life for the neediest and most vulnerable abroad, and supporting the expansion of democracy and human rights.” (Lancaster, 2000)

During the post-Suharto era, USAID provided support to the democratization programme whose strategy between 2000 and 2003 was to assist the GoI in rebuilding social, economic and political foundations to survive the multidimensional crisis. The aid focused on accelerating the transition to democracy, facilitating the decentralization process and reducing potential conflict threats. For the US government, Aceh was one of the key transitional issues in Indonesia. In 2000, the US congress authorized USD 5 million to support a peace process and the renewal and expenditure of an additional USD 10 million to support the CoHA (Huber, 2004: 63).

Furthermore, the GoI clearly understood that without the support of international donors, Indonesia would be unable to handle the multidimensional crisis, although, in fact, during the presidential terms of Habibie, Wahid and Megawati, a few policies were appropriate and in accordance with the global agenda.

Habibie’s presidency produced two laws on human rights protection, namely Act 5/1998 concerning the ratification of the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* and Act 29/1999 concerning the ratification of the *Convention on the Elimination of All Forms of Racial Discrimination 1965*. Habibie also established the National Commission on Women’s Rights and he took an alternative approach to give wider autonomy to East Timor in 1998. Habibie offered a radical solution as he agreed to a referendum to be held as the option to reach a lasting solution, and, accordingly, the international community showed great appreciation for and gave positive feedback to Habibie’s presidency. In addition, the IMF and World Bank gave more support to Indonesia and offered USD 43 billion to settle the economic crisis (Library of Congress – Federal Research Division, Indonesia, 2004: 12).

Although Wahid had taken the same approach as Habibie in promoting human rights and civil rights, he also initiated many reforms in reshaping the civil–military relationship. In a democratic country, civilians control the political arena, and Wahid used human rights violations in East Timor as the reason to reduce the military’s role in the Indonesian political system. The United Nations Security Council resolution on East Timor (1999) claimed that Indonesian military and militia groups should be held responsible for the barbaric actions that had been systematically planned before and after the referendum in East Timor. Wahid subsequently dismissed General Wiranto as the Coordinating Minister for Security and Political Affairs because he had been Chief of the Indonesian Army during the Habibie era. This decision gained support and high appreciation from Kofi Annan, the General Secretary of United Nations, “the decision [concerning Wiranto] has proven that Indonesia had taken on the responsibility to ensure that those responsible for the atrocities in East Timor would be made accountable” (*CNN.com*, 16 February 2000).

In many international forums, Wahid (who was also known as an activist for democracy) promised to promote civil rights and used the dialogue approach in settling separatist conflicts in Aceh and Papua. Later, the US, the European Union, Japan, and the World Bank, supported Wahid and Megawati in the peace process and promised to allocate funds for peacebuilding projects. Human Rights Watch (2003), an NGO based in the US that focuses on human rights advocacy, argued that the “quartet” used maximum pressure on the GoI to protect civilians from human rights abuses. Nevertheless, in the context of Aceh, the GoI had to create a new Indonesian image that respected human rights more, as Wahid felt that it was too risky if Indonesia would once more be accused of human rights violations in Aceh, in view of the fact that the perpetrators of the atrocities during the Suharto era had not been brought to justice and that the East Timor tragedy was still receiving attention from the international community. A wrong policy for Aceh could have made the international community abandon Indonesia in its multidimensional crisis and could have allowed GAM to gain more support in the international arena. All of these conditions – human rights violations, distrust of the central government political instability and the spread of GAM ideology blended with the multidimensional crisis faced by Indonesia – could have dragged Aceh and Indonesia into a crisis.

For this reason, Wahid pushed for an alternative solution to resolve the Aceh conflict. At the same time, the House of Representatives, or *Dewan Perwakilan Rakyat* (DPR), established a Special Committee dealing with the Problem in Aceh or *Panitia Khusus (Pansus) tentang Permasalahan di Aceh* in a plenary meeting on 18 November 1999, to list and analyse the problems in Aceh and provide recommendations to the DPR. On 16 December, the *Pansus* provided ten recommendations to the DPR that included establishing a court for the human rights violations, intensifying dialogue with all parties in Aceh, and the avoidance of solving the Aceh conflict through military means. This recommendation was a sign that the GoI was leaning towards an alternative solution, although the government did not specifically state any negotiation with GAM. This recommendation was interpreted by Wahid as a signal to start the dialogue with GAM as the key-securitizing actor in Aceh.

The non-military approach taken by Wahid in 1999 was supported by the international community. From 1999 to 2003, USAID had already been running projects in Aceh to strengthen civil society, which was known as the Civil Society Strengthening Program (CSSP), one of whose focuses was on human rights advocacy, such as legal aid assistance for the conflict victims, conflict monitoring, and improving civil society capacity. The project was implemented in the worst conflict-affected districts in Aceh.

4.2.3 GAM: Feasibility of Winning

Contrary to the GoI's perception of the current conditions in Aceh and Indonesia, GAM realized that the weak condition of Indonesia after the downfall of Suharto was the ripe moment for intensifying the fight for independence. GAM felt that the GoI would go bankrupt and collapse just like Yugoslavia, which had been dominated by the Serbs since the beginning and had faced many internal conflicts between the Serbs and the minority ethnic groups. This condition was similar to that perceived by GAM when the Javanese, as the major ethnic group, dominated the country and exploited all the resources from the minorities.

Moreover, the liberation of East Timor had affected GAM's confidence and most Acehnese thought that they too could achieve independence, noting the similarity between Aceh and East Timor (Syahputra, 1999). GAM elites were also inspired by international trends after the Cold War when many former Soviet Union states attained

independence. With human rights and democratization high on the global agenda, GAM perceived that they could utilize this opportunity, because, based on the universal human rights principles and the history of Aceh, GAM argued that Aceh had the right to self-determination (Daud, 2011). GAM and some Acehnese claimed that the unification process of Aceh into Indonesia in 1945 was illegal because it had only been decided by a few Indonesian and Acehnese leaders and not through consensus by all of the Acehnese people. Based on this reason, GAM argued that the legal status of Aceh should be decided by the International Court of Justice in The Hague (Abdulgani, 2010).

International attention increased significantly after November 1999, when SIRA facilitated a peaceful rally in which almost one million people participated and had succeeded in announcing to the world that Aceh wanted a political solution through a referendum. International support was the last phase for GAM to achieve independence. Sofyan Ibrahim Tiba (2002), one of GAM's negotiator members, explained that the road to independence could be divided into three phases: the familiarization phase from 4 December 1976 up to 1989, the armed struggle period from 1989 to 2000, and the diplomacy period that only started in 1999.

To justify their goal, GAM referred to the UN Resolution on Self-Determination, dated 12 December 1958, and the UN General Assembly's resolution of 10 November 1975 concerning the elimination of all forms of racial discrimination. GAM believed that Aceh had the right to self-determination that should be recognized by Indonesia and international community. Moreover, GAM claimed that Aceh's status was that of a "successor state", with the Acehnese as the "citizens", Hasan Tiro as the leader or the *Wali Naggroe* (State Trustee), and GAM as "the government in exile". GAM assumed that they already had 75% of the requirements to become an independent state since they had citizens, territory and a form of government; the remaining 25% was the international recognition that must be gained through diplomacy (Tiba, 2003)

The moment was ripe for GAM when the GoI sent a signal for dialogue and GAM elites were ready to negotiate with the GoI. However, the motivation was different. For GAM peace negotiation could be utilized as a means to gain support and recognition from the international community. The negotiation process would bring the

opportunity for GAM to promote their political agenda, which covered the human rights violations during the DOM. GAM elites believed that human rights issues could justify their demand and gain international support. According to Ismail Syahputra, the peace talks should be the way to independence (personal interview with Ismail Syahputra in North Aceh, April 1999).

4.2.4 Precondition Process of the Helsinki MoU

The Helsinki MoU was a result of two important factors: first, the output from a new leader who came to power, and second, the process of democratic consolidation in Indonesia that advanced the democratic institutions and procedures, which included the establishment of a new electoral system. Electoral reform was a precondition for democratic consolidation in Indonesia, and replaced the previous system in which parliamentary members were selected by a political party. Instead of people voting for parliamentary candidates, they were voting for political parties, the same is true for the President and Vice-president who were voted for by Members of Parliament.

4.2.4.1 The New President's Perception of the Ripeness

In 2004, Indonesia started its first-ever, direct election for parliamentary and presidential candidates. In the new electoral system, the candidates for president and vice president, who came from the political parties, were voted directly by the people, however, only political parties that had at least 15% of the popular vote in parliament could run for the presidential election (Law of Presidential Election, Article 5, Paragraph 4). Out of 150 political parties registered for the election in 2004, *Golangan Karya (GOLKAR)* won 21.58% of the votes and 128 seats in parliament (Laporan Komisi Pemilihan Umum, General Election Commission report, May 2004).

Susilo Bambang Yudhoyono (nicknamed SBY) became the first president directly elected by the people, replacing Megawati Soekarnoputri. Yudhoyono, a former general, came to power with 61% of the popular vote, which gave him greater legitimacy than any of the previous presidents in Indonesian history. Learning from Wahid, Yudhoyono believed that political consolidation with the parliament was important since parliament had strengthened after the amendment of constitution in 1999 (Fatwa, 2012). Yudhoyono, from *Partai Demokrat* (the Democratic Party) that

only won 7.45% in parliamentary elections, wanted to form a coalition. His party invited *GOLKAR* (Group of Functionaries), *Partai Bulan Bintang* (Crescent and Star Party), *Partai Keadilan dan Persatuan Indonesia* (Indonesian Justice and Unity Party) and *Partai Keadilan Sejahtera* (Prosperous Justice Party), to form one coalition called *Koalisi Kerakyatan* (Coalition of Democracy). This coalition had almost 54% of the Parliamentary mandates. The position of *Partai Demokrat* also became stronger when Yudhoyono's vice president, Jusuf Kalla, was elected the chairperson of *GOLKAR* (2004–2009), which was the biggest political party in parliament.

During the election campaign, one of Yudhoyono's promises was to settle the internal conflict permanently within three years (*Tempo.Co*, 25 September 2004). Resolving the conflict in Aceh was also an important step in rebuilding Indonesia's reputation at the international level for which domestic stability was the key point in attracting foreign investment for strengthening Indonesia's economic growth (*Bappenas Report*, 2013). Yudhoyono had a clear picture of the conflict in Aceh since he had previously been involved in the peace process during Wahid's and Megawati's presidencies. He believed that a non-military approach was not only rational but also a cheaper option compared to the military operations that had cost almost IDR 1.4 trillion or 1 billion Euros per year since mid-2003 (*Koran Tempo*, 10 February 2005).

Yudhoyono's strategy of conflict settlement was based on alleviation of the grievances. He wrote in his book that separatist movements are not always based on the struggle for independence from the main state, but separatism sometimes emerges from the grievance and the discontent in the majority's centralistic approach towards minorities and how their central peripheral relationship creates disparity in justice and development (Yudhoyono, 2001). Although his approach was ridiculed by some of his military colleagues and some nationalist groups in the parliament, the president remained determined. Yudhoyono had supported a conciliatory, non-military approach ever since he was the Coordinating Minister for Political and Security Affairs during the Megawati presidency.

Yudhoyono's approach to resolving the Aceh conflict was probably a reflection of his military experience and intellectual background (Ali, 2008). Yudhoyono had received his military training in Indonesia and the United States, where he later received his Master's degree in Business Administration from Webster University. Yudhoyono,

an avid reader of Eric Nordlinger's books and Samuel P. Huntington's works, is not only skillful in terms of military strategy but has also extensive knowledge of Economics, Social Sciences, art and politics. Yudhoyono apprehends the complex relationship and the conflicting interests of the civilians and military in economic affairs and politics (Ali, 2008:38).

4.2.4.2 Cost of Conflict and Infeasibility of 'Truly' Winning

The re-evaluation of the martial law policy was based on a cost-benefit analysis in which Yudhoyono, as the new leader, perceived that the cost of a conflict was not only destroying Aceh but was also counterproductive for the development of the entire country (*Tempo*, 6 February 2005). This view arose from various facts, which included, first, that the conflict had resulted in more gross human rights violations instead of protecting civilians from the GAM insurgency. Since the implementation of the DOM (1990–1998), human rights organizations reported more than 12,000 cases of human rights violations and the fact that more than 2,000 people had been killed during the martial law phase (2003–2004)⁶. According to the official report of the Military Regional Commander, the number of unemployed reached up to 363,398 in November 2003. Many companies, private businesses, plantations, agriculture sector and fishing activities were suspended as a result of the operation. This situation directly increased the poverty level in Aceh. In November 2003, approximately 1.6 million people were reported as being poor, or 40.1% out of 4.1 million people in Aceh. The number of poor households also increased to 55.53% after one year of military operations.⁷

The conflict also impacted the education sector. Over 505 schools were burnt in the first month of martial law (*Kontras Aceh Report*, June 2003) and towards the end of the military operation a total of 611 schools had been burnt down, including thousands of books and other school supplies and facilities. The Security and Human Rights Bureau (2004) reported that one year after the implementation of the military operation,

⁶Based on the reports published by Human Rights NGOs, such as KONTRAS, ELSAM, the National Commission for Human Rights, the Legal Aid Foundation, Aceh NGOs Coalition for Human Rights, and the Forum for Human Rights in Aceh. During 1999, the local media, *Serambi Indonesia*, published the human rights violations during the DOM era.

⁷ Press release Solidaritas Gerakan Rakyat untuk Aceh (Segera), or People Movement Solidarity for Aceh, 20 August 2003, published by Cybernews <http://portal.cbn.net.id/cbprtl/cybernews/detail.aspx?x=General&y=cybernews|0|0|4|2352>

54,000 children had lost their opportunity to study. Furthermore, the integrated operation increased corruption and other illegal business activities among the military and government officers. Yudhoyono felt that martial law had taken Aceh further away from a solution, and that the conflict kept inciting resentment and revenge among people who suffered (*Tempo*, 6 February 2005).

Moreover, prolonging the conflict would be detrimental to economic development as the central government faced bigger social, economic and political issues. The conflict would force the GoI to allocate twice as big budget, that is to say one huge budget for military operations and another to pay for the costs of the conflict. In fact, Indonesia still found itself in the ‘economic crisis recovery’ phase and one way to accelerate the economic development programme was through economic efficiency and political stability. Indonesian economists predicted that the ‘war’ in Aceh would further increase the burden on the state budget, since the GoI needed to spend USD 800,000 per day⁸ to support its military operation (Hamzah, 2014: 569). Even without this military operation, the burden on the state budget was already heavy due to the significant increase in the global price of oil since the end of 2003, and in 2004, the situation became even more critical for Indonesia since the IMF programme was terminated and the Paris Club was immediately closed. By way of comparison, for the last two decades, the GoI had spent almost USD 28 billion in handling internal conflict, meaning that USD 1.2 billion was to be spent annually and that hundreds of millions of dollars must be allocated to Aceh (IIAS, 2003: 156–157).

Third, there was a perception that ‘truly’ winning the conflict was infeasible and that the conflict was not bringing any permanent solution. President Yudhoyono and Vice President Kalla learned that one year after the declaration of martial law, GAM was seen to become less powerful compared to its condition in 1999 when they were able to influence and control almost 80% of the administrative areas in Aceh. The military operation had also isolated GAM’s armed forces (known as the TNA, *Teuntra National Aceh*) from its logistic support and divided TNA into smaller groups. Even though the Indonesian military could have achieved total victory in Aceh, Yudhoyono argued that there was no guarantee that there would be lasting peace in Aceh if the root

⁸ The military operation in Aceh started on 19 May 2003 and continued until 15 August 2005, amounting to 816 days.

of the problem was not solved. This perception was later conveyed by the TNI's Armed Forces Chief, Endriartono Sutarto, who considered that although the military approach might have been able to destroy GAM, it did not mean that the separatist idea would completely diminish, because the roots of the problem were about injustice – social, political and economic – due to the impact of the centralistic and repressive regime during the Suharto era (1966–1998).

Thus, the government should take a comprehensive approach through negotiation to reach a permanent and fruitful solution for Aceh (*Media Indonesia*, 9 June 2005). For the GoI, as stated by Vice President Jusuf Kalla, to the GAM leaders, even if the Indonesian army could not destroy GAM, Indonesia would still be able to continue the war for another 100 years. On the other hand, GAM would not be able to achieve victory with 5,000 combatants. If the conflict continued, the Acehnese would lose and would become the main victim because the war was waged in Aceh (*Antaranews*, 8 April 2007).

All the above considerations led Yudhoyono to open new peace talks with GAM. In fact, the peace initiative process by Yudhoyono and Kalla had started since they were ministers in Megawati's cabinets, although this initiative only manifested itself when they both came into power. Both of them played a different role in operating their peace agenda. Yudhoyono, as the former general, controlled TNI as the key element in making peace, whereas Kalla as the chairman of the biggest political party in parliament, GOLKAR, took care of the political parties to anticipate an 'attack' from parliament (Morfit, 2006: 130).

Kalla then took the lead for the peace process with two agendas that would be implemented simultaneously. The first was to approach GAM's leaders, who were based in Aceh, in order to send a clear conciliatory signal from the GoI offering a new dialogue, and the second agenda item was to mobilize international actors for humanitarian and political support for the GoI's agenda (Ali, 2008). In approaching GAM's leaders, Kalla was assisted by his 'field operator', Farid Husain, who was to play a very important role at a later stage in cultivating trust between GAM and the GoI.

4.2.4.3 GAM's Internal Dynamics: Transition of Leadership

The author suggest that the transformation in GAM's leadership had an important influence on the peace process in Aceh. When Hasan Tiro's health deteriorated on 15 May and in October 1997, the disruption in GAM slowly began. GAM elites split into two groups: the group of Malik Mahmud, Zaini Abdullah, and Karya Saman, and the group of Daud Husin (also known as Daud Paneuk) with his son, Yusuf Daud and Syahbuddin Abdurrauf, and Husaini Hasan, who joined them later. Daud Paneuk was accused by Malik Mahmud and his followers of taking over Hasan Tiro's throne.

At the Stavanger meeting, on 21 July 2002, Malik Mahmud was appointed by GAM members to become the Prime Minister of GAM. Unlike Hasan Tiro, Malik Mahmud's group was more concerned about improving GAM's military capacity than strengthening their international support (interview with Syahbuddin Abdurauf, member of *Markas Besar GAM* or GAM Headquarters, in Stockholm, 2010). Malik Mahmud recruited more Acehnese youths to become GAM combatants to strengthen GAM's military power in Aceh. GAM's leaders believed that without armed forces, the GoI would never listen to Aceh (Syahputra, 1999). This strategy was influenced by political condition in Indonesia after the downfall of Suharto. Specifically, Malik Mahmud intended to take advantage of political instability in Indonesia.

The strengthening of GAM's military was also considered as a moral calling for GAM to protect the people from Indonesian soldiers who committed many human rights violations during the DOM era. As a result, GAM rapidly grew during 1999–2002. GAM's political structure and military commands were established from the provincial to the grass-roots level. Many young Acehnese who were motivated by the sentiment of local nationalism were recruited by GAM, and even some criminals and the former *Pasukan Bela Negara* (PBN)⁹, or State Defence Force, such as militia, young villagers who were trained by Kopassus during 1991–1995 in Pidie, North Aceh, and East Aceh, have joined GAM since 1998 (interview with Banta, in North Aceh, 2012). Pragmatically, GAM would accept anybody who was ready to fight for independence, whatever their background had been. In the Stavanger declaration of 21 July 2002,

⁹In 1990, the Indonesian army established militia groups known as *Unit Kesatria Penegak Pancasila* (UKPP), *Bela Negara*, *Pemuda Keamanan Desa*, *Laskar Rakyat*, *Rakyat Terlatih*. In every village, the army recruited 20 young people to join the militia group. Together with military personnel, the militias became the front-liners in fighting against GAM (Hamzah, 2014: 557)

GAM declared that its military wing, also known as *Angkatan Gerakan Aceh Merdeka* (AGAM) or the Armed Independence Movement of Aceh, had become *Tentara Nasional Aceh* (TNA) or Acehnese National Armed Force.

Although the internal rift within GAM ousted Daud Paneuk and Yusuf Daud from the organization, it did not stop them from working for peace in Aceh, and, in mid-1997, they established the Association for a Free Aceh (*Föreningen för ett Fritt Atjèh*) based in Stockholm. When Husaini Hasan, one of the senior GAM members (who had been inactive since the mid-1980s), returned from Malaysia to Sweden and joined Daud Paneuk and Yusuf Daud, he subsequently led *Markas Besar GAM Europe* (MB-GAM) or the Headquarters of GAM in Europe. MB-GAM then collaborated with *Majelis Pemerintahan GAM* (MP-GAM), which was established on 22 March 1999 and based in Malaysia. MP-GAM, which was managed by Teuku Don Zulfahri, proposed an internal reform of the GAM structure after Hasan Tiro suffered a stroke. This was done in order to reconcile GAM members and reunite the organization, to reform the cabinet of GAM, as well as to revitalize the organization because MP-GAM noted that since 1976, the cabinet had never been reshuffled and that most of the cabinet members were inactive – some had even passed away in the meantime.

Unlike MP-GAM, which was more focused on internal reform, MB-GAM actively approached international actors to mediate the conflict in Aceh after the downfall of Suharto. In 1999, MB-GAM visited Helsinki and through the mediation of a Finnish scholar named Timo Kivimäki, Husain Hasan was introduced to President Martti Ahtisaari to discuss the possibility of the Finnish Government mediating between Aceh and the GoI. Nevertheless this communication was never continued since HDC was also making facilitation efforts in Aceh (Huber, 2004).

In terms of the negotiation strategy and approach, some former GAM members who were interviewed in Sweden (2010) believed that there were differences between Hasan Tiro's and Malik Mahmud's leaderships. First, Hasan Tiro preferred to negotiate about the legal status of Aceh with the GoI rather than about humanitarian issues, as mediated by HDC, or autonomy, as proposed by the GoI. Second, Hasan Tiro would accept a strong mediator that understood international law who could also decide on the legal status of Aceh rather than an NGO, such as the HDC or CMI. Furthermore, Hasan Tiro did not consider his struggle for Aceh based on GAM's military strength in

fighting the Indonesian army, even though he believed that GAM's military existence was important, but he understood that with that alone, GAM could not achieve independence. Based on his past experience of being involved in the *Darul Islam* movement in 1950, Hasan Tiro realized it was important to gain international support (interview with Yusuf Daud, member of *Markas Besar GAM* or GAM Headquarters, in Stockholm, 2010).

4.2.4.4 GAM's Perception of Ripeness: Weaknesses in International Diplomacy

The peace talks proposed by the HDC and the GoI were perceived by GAM as an opportunity to consolidate GAM's strategy in Aceh, the GoI, and at the international level when the dialogue was initially perceived as an early political victory of GAM noting that they could sit as equals at the negotiating table with the representatives of the GoI. Secondly, the peace talks could be a stepping stone for internationalizing Aceh. Thirdly, the peace talks could be utilized for GAM's consolidation between Aceh and GAM's leaders overseas. Fourthly, the peace talks would justify GAM as the representatives of Aceh, and, last but not least, the peace talks would provide the time and space for GAM to strengthen its military force (Syahputra, 1999). In the World Acehnese meeting on 19 July 2012, Malik Mahmud explained in his paper "Political prospects in Aceh and overseas":

"... the purpose of the struggle is to liberate from Indonesia and agree to resolve the issue through peaceful means that have been initiated by the HDC since 2000. If this fails, ASNLF is ready for military struggle with Indonesia ... Aceh will fight to preserve the dignity and territorial sovereignty of Aceh from Indonesia ... Actually, the battle is happening now in Aceh, which has political, economic, defence and security implications at the international scale, especially Western and American economic interests related directly to Aceh. Thus, if the West and the Americans want political and economic stability, particularly in Aceh-Sumatra, and in the ASEAN countries in general, the Aceh problem should be resolved. If not, all foreign interests in Aceh will be disrupted or destroyed, because Aceh is fighting invaders for consideration Indonesia" (Malik Mahmud, 2012: 2).

Nevertheless, the weak capacity in the negotiation process and international experience had meant that GAM could not utilize the opportunity of the peace talks. During the CoHA process, the HDC had planned to improve GAM's capacity but the HDC was stuck in the mediator's moral dilemma of impartiality, and whether or not to improve GAM's capacity to understand the negotiations (HDC Internal Review, 2003). In addition, Bachtiar Abdullah (2010), said that in the Helsinki peace process, when the key issue of negotiation was autonomy, none of the members of the GAM delegation fully understood the scope and substance of autonomy. Instead, their focus was on the term of self-government, according to one of the negotiators.

In fact, unlike the support received by East Timor, GAM failed to gain significant international support until 2005; instead, the improvement of GAM's military wing since 1999 had enabled the GoI to stigmatize GAM as terrorists. The change in GAM's strategy since 1997 had focused on armed struggle rather than diplomacy and a political approach. Consequently, when GAM's military force could be attenuated through military operations in 2003–2004, GAM also lost the bargaining power in the Helsinki peace talks, while, at the same time, they were not ready to negotiate on the basis of autonomy as the permanent political solution for Aceh.

While the GoI's perception of ripeness considered the cost of conflict and the infeasibility of 'truly' winning, GAM's motivation to end the conflict focused on the infeasibility of achieving independence for Aceh. This research found that the ineffectiveness in GAM's diplomacy, the impact of martial law and changes in international trends had affected GAM's perception that they were not winning the conflict. Since the beginning, Hasan Tiro stated that the independence struggle through international diplomacy was GAM's priority rather than military means (Kivimäki & Gorman, 2008). From the outset, GAM believed that independence for Aceh could only be achieved through international recognition on the legal status of Aceh in which Aceh, as the 'successor state', had the right to attain self-determination through a referendum or plebiscite.

This thesis classifies GAM diplomacy into three phases between the years 1976 and 2004. The first phase lasted from 1982 to 1989. After Hasan Tiro left Aceh, he approached Muslim countries and led the call for Aceh's independence through anti-

neo-colonialism and anti-capitalism arguments. Looking upon the Shi'ah Revolution in Iran and the oil boom in the early 1980s, Hasan Tiro felt that Muslim countries were becoming important international actors. He also assumed that Western countries were the allies of Indonesia, as they were involved in the exploration of natural resources in Aceh. Hasan Tiro then moved from the U.S. to Sweden, a country that had been applying a social democratic system, and a country that Tiro perceived as being more neutral since it did not hold a special interest in Indonesia (Daud, 2010). Actually, in the beginning, the GAM leaders had applied for asylum in France and Germany, but both countries refused to accept Acehnese refugees; hence they followed the Papuan refugees, based on suggestion from Jacob Prai (Papuan leader in Sweden), who applied for asylum in Sweden (Kivimäki, 2006). In the following years, Sweden became GAM's headquarters when it accepted the first wave of Acehnese asylum seekers.

Since the early 1980s, Hasan Tiro was actively lobbying the international community, and also improving his collaboration with other Indonesian separatist leaders. These included Dr Johan Manusama, the leader of *Republik Maluku Selatan* (RMS) or Republic of the South Moluccas or South Maluku, who was based in the Netherlands, and with East Timorese leaders including Mari Alkatiri who was living in Mozambique. However, Tiro realized that lobbying and diplomacy at international level would not have any impact if GAM's struggle did not really exist in Indonesia and the idea of independence had not been fully transmitted to the people in Aceh (Daud, 2010).

The opportunity to revitalize the movement came in 1985 when Hasan Tiro went to Tripoli, Libya, for the anniversary of the Great *Al Fateh* Revolution on 9 September. During his visit, Muammar Gadaffi (who had invited Tiro to Libya) offered GAM military training in Libya. This program was part of Gadaffi's policy to support Non State Armed Groups, such as the Moro National Liberation Front (MNLF), and the PLO (Conboy, 2003: 143–144). At that time, Hasan Tiro promised to send 5,000 GAM members to the training session. Even though Hasan Tiro was not really sure that he could bring 5,000 followers to Libya, he wanted to show Gadaffi that GAM had the potential power to fight for its liberation (Daud, 2010). However, in 1986, GAM was only able to recruit 42 young Acehnese for the military training and from 1988 to 1989 GAM only brought around 800 people to Libya (Abdurauf, 2010). Hundreds of young Acehnese – on average under the age of 30 – were trained for seven to twelve months in

various camps in Libya, including the Military Academy of Tajura, Ismail Training College, Camp Jamahiriyah, Camp Benina – Military Airfield, Camp Aziziyah, Camp Maktabah, Camp Al-Adem in Tobruk, the Military Academy of Libya, and the Wadi Rabik Campus (Hamzah, 2014: 546).

For Tiro, establishing GAM's military wing was an important strategy for political recognition, that would never be achieved if Aceh was seen as *bangai*, *gasiën*, *gusuën*, or ignorant, poor and cowardly (Daud, 2010). However, the military training was not the only purpose for Hasan Tiro, but he also believed it was important to familiarize the people in Aceh with the idea of independence through the young men who were sent to Libya. In "The Price of Freedom; The Unfinished Diary of Teungku Hasan di Tiro", Hasan Tiro wrote, "We never talk about the guns first, but the political ideas first" (1984: 68). For Hasan Tiro, *Aceh Merdeka* or Aceh's independence is a political movement (Tiro, 1984:7), but in every movement, there are three fronts that interrelated where GAM must take the victory: diplomacy, the battle field, and support from the community (Hamzah, 2014: 545–46).

During the training, Hasan Tiro transferred the ideology of independence and explained the history of Aceh to his followers. He explained to the new members that armed forces alone could not make Aceh independent, but that international diplomacy, with support from the people in Aceh would make independence possible. For this reason, Hasan Tiro ordered the trained young people to return to Aceh not to declare war, but to pass on the '*ideologi Aceh merdeka*' or independence-based ideology to the people (Abdurauf, 2010). In fact, the return of trained young personnel from Libya to Aceh escalated the conflict, and in 1989, freshly trained GAM combatants once again started an offensive action by attacking the military and police posts in Pidie, North Aceh and East Aceh. Hasan Tiro regretted this action, as he said, "*Ka dipuebuat pue yang hana lon youe*" or "they did what I have never ordered" (Hamzah 2014: 552).

The second period of diplomacy was from 1991 to 1997. If, in the first period, Hasan Tiro had been actively approaching Islamic countries, in the second period, on 6 August 1991, upon his return from Tripoli, he registered GAM on behalf of the Aceh Sumatera Liberation Front (ASNLF) to the Unrepresented Nations and Peoples Organization (UNPO) based in The Hague. Aside from actively making contact with foreign embassies in Stockholm, from 1991 to 1997, through NGO channels accredited

by the Human Rights Council in Geneva (such as Liberty, which is based in London), Hasan Tiro argued for the legitimacy and legal status of Aceh as a nation state. On 23 August 1991, Hasan Tiro presented the case of Aceh at UN Social and Economic Assembly and one year later, 29 January 1992, Hasan Tiro asked the UN to conduct a referendum in Aceh with two options, namely becoming independent or being integrated with Indonesia (Hamzah, 2014: 423). As an Islamic scholar, Hasan Tiro sometimes presented himself at various Islamic conferences and he used these forums to transmit his idea concerning Islamic values and the liberation movement (Abdullah, 2010).

During 1997–2004, Tiro was no longer active in diplomacy because of his deteriorated health due to strokes, and this condition had decreased GAM's participation in international forums, where GAM hitherto had been represented by Hasan Tiro and Yusuf Daud. On the other hand, both Malik Mahmud and Zaini Abdullah were less involved and lacked diplomatic experience. According to some internal sources within GAM, Zaini Abdullah was less interested in diplomatic activities from the start, and as for Malik Mahmud, he could not be fully involved in diplomacy since he was based in Singapore while Hasan Tiro lobbied in Europe (Daud, 2010). However, the new Acehnese refugees, who left for Malaysia in the early 1990s, were actively pursuing diplomacy and advocacy by approaching UN agencies and other human rights NGOs to monitor the situation in Aceh. Besides actively assisting refugees from Aceh in Malaysia, GAM leaders disseminated their propaganda through various publications, such as *Suara Aceh Merdeka*, in which most of the publication was addressed to the Acehnese community to evoke Acehnese nationalism and anti-Indonesian sentiments.

After Suharto's regime collapsed, the demands for independence and a referendum increased in Aceh. One of GAM's strategies to revive the combatants' spirit and to raise collective support from the Acehnese was through propaganda that Aceh's independence was just "*sibak rokok teuk*", or "just a cigarette away", an expression to show how independence would come shortly. Unlike the previous period when diplomacy was mostly conducted through international forums, the diplomacy under Malik Mahmud's reign utilized mass media that focused on human rights violation in Indonesia. In addition to this, GAM's representation in Denmark, Norway, the USA, the Netherlands and Malaysia also carried out an intensive campaign. The key issues used

by GAM to justify their diplomacy or propaganda were human rights violations and the right to self-determination. Since 1998, GAM's diplomacy mostly worked parallel with the advocacy activities of civil society groups and NGOs based in Aceh and Jakarta. These NGOs and civil society groups were greatly supported by international NGOs focus on human rights including the Human Rights Watch, Forum Asia, SUARAM, Amnesty International, TAPOL, and the International Forum for Aceh (IFA). On 17 August 2003, GAM succeeded in opening an embassy in the Republic of Vanuatu, and Nurdin AR was assigned by Malik Mahmud as the first GAM ambassador (Hamzah, 2014: 575)

4.3 Infeasibility of Victory

When martial law was declared in 2003, the GAM combatants were, according to themselves, feeling distraught about the infeasibility of achieving independence because their military capacity had been weakened (interview with Saiful, former GAM combatant in Southern Aceh, 2007). In addition, there were not only countries that supported the Aceh independence movement, but many countries understood Megawati's decision for martial law to protect the Indonesian state from insurgency. As explained in the readiness theory, GAM's leaders seemed to believe that the conflict was dysfunctional and perceived that they could not reach victory using the current strategies. As the failure of the current strategies became clearer, the motivation for GAM to end the conflict and enter the peace talks became stronger.

After six months of martial law, the Indonesian military claimed to have successfully reduced GAM's military force and reported that 1,100 GAM members had been killed between May and October 2003, and 485 weapons had been confiscated (*Serambi Indonesia*, 27 October 2003). Furthermore, TNI headquarters claimed that thousands of GAM members had been arrested or had surrendered, even though human rights observers reported that most of the supposedly killed GAM members were young civilian men who lived in the villages (Human Rights Watch, 2003). At the end of a military emergency period, the TNI Commander in Chief, General Endriartono Sutarto, claimed that out of 8,000 GAM members, 1,963 were killed, 2,100 were captured and 1,275 surrendered (*Serambi Indonesia*, 5 May 2004). The posse approach from the military and police had isolated GAM guerrillas from access to ammunition, food, and

medicine. Nevertheless, the military operation did destroy GAM's middle rank structure and GAM became divided into smaller groups. In addition, the author also received a testimony from a former combatant that if the Helsinki peace talks failed, most of the guerrillas would leave the battlefield and would surrender or cross the border to Malaysia (Saiful, 2010).

The international trend after the 9/11 was the global war against terrorism. Terrorism received more attention than human rights-related issues. Thus, although the military operation was reported to have caused human rights violations, Megawati was confident to gain support and justification for her military solution in response to the conflict in Aceh. Moreover, to justify the military approach and to gain international support, the GoI labelled GAM a terrorist group. Although this label was used by Indonesian officials during Megawati's visit to the USA just after the 9/11 tragedy, the US government refused to label GAM as a terrorist movement (Sidney Jones in the interview with Reuters, 7 July 2002).

The first statement labelling GAM as a terrorist organisation was actually made by Susilo Bambang Yudhoyono who was at the time the Coordinating Minister for Security and Political Affairs in Megawati's cabinet. He stated that GAM's acts were acts of terrorism and that the Indonesian security forces had been instructed to be proactive in preventing and stopping them. For the GoI, as stated by Minister Yudhoyono (*Serambi Indonesia*, 5 July 2002), the question was "Do the US, and the West, talk with terrorists?" Therefore, labelling GAM as a terrorist organization was considered by Sidney Jones (a terrorism analyst from the International Crisis Group) to be an indicator of the government's military plan for military operations, since the GoI had become frustrated with the slow progress of the peace talks with GAM.

By labelling GAM as terrorists, the GoI tried to relate its policy to the global war against terrorism (*Reuters*, 7 July 2002). The stigmatization of GAM's actions by the GoI strongly impacted GAM elites after Malik Mahmud and Zaini Abdullah were arrested for a few days in Stockholm, in 15–17 June 2004, and charged with "violations of international law" (*Tempo.Co*, 16 June 2004). However, on 19 June 2004, the local court in Stockholm rejected a request to detain them (*ScandAsia*, 19 June 2004).

After the key leaders were arrested, GAM slowly changed its military and political tactics (Kivimäki, 2004). First, GAM became more selective in targeting their

military attacks and minimized the impact on civilians. Second, although it was still not a collective decision, several GAM elites started to re-evaluate their struggle for independence and prepare for alternative solutions (Abdullah, 2010). Nevertheless, GAM elites realized that they could not make any sudden dramatic decision in changing their political goal from independence into other options without any internal turbulence or loss of their pragmatic bargaining position in front of Indonesia. Although GAM was politically and militarily weak, the leaders would not surrender easily without any bargaining with the Indonesian government (Abdullah, 2010). Later in 2004, after the election changed the domestic political setting, Yudhoyono, as the new leader, sent out the signal for dialogue, which GAM leaders perceived as a way out from a war they could not win. The strong reconciliation signal from the new leaders and a series of secret informal meetings between GAM and Farid Husain had shed some positive light on the hope that a negotiated solution was possible with the GoI (Husain, 2007).

The author finds that the GoI and GAM had different motivations to start the Helsinki talks: the GoI considered the cost of conflict and the risk of continuing the conflict, while GAM's pragmatic motivation considered the view that winning was becoming infeasible and that the GAM forces had been weakened during the martial law era. Notwithstanding the various motivations to end the conflict, both parties were ready for negotiation. Two days prior to the tsunami on 24 December 2004, there was a conditional agreement between the GoI and GAM in which both parties agreed to accept a preliminary invitation from the mediator, Martti Ahtisaari, to participate in an informal meeting on 8 January 2005 (*The Jakarta Post*, 28 August 2009). However, the meeting was postponed until 27 January 2005 because in the meantime, a tsunami had devastated Aceh. Soon after, this tsunami provided moral pressure on both parties to negotiate and implement the agreement.

Table 4.1 Factors that made the GoI and GAM agree to negotiate

	The CoHA	Helsinki Process
GoI	The perception of the cost of conflict when human rights violations increased, political instability and the strengthening	The perception of the cost of conflict in various aspects: humanitarian crisis, high cost of military operation, and national

	<p>of GAM, while, at the same time, the GoI was facing a multi-dimensional crisis.</p> <p>The perceived risk of continuing the conflict that could create more domestic crisis, such as IDPs, human rights violations, armed violence, and international pressure after the East Timor tragedy.</p>	<p>instability.</p> <p>The perception that continuing the conflict was harmful for Indonesia's economic development as it required stability.</p> <p>The perception that the conflict would not bring any permanent solution or that a genuine victory was infeasible.</p>
GAM	<p>Feasibility of winning and motivation for peace talks as a medium to achieve the goal.</p>	<p>The perception of infeasibility in achieving independence.</p>

4.4 Conclusion

The author suggests that the peace processes during the CoHA and the Helsinki MoU accord were both driven by new Indonesian leaders. Yudhoyono and Wahid had similar perceptions regarding the approach to end the long dispute in Aceh. They believed that military means would never solve the problem and it that there was a high socio-political price to pay. In addition to that, human rights violation was one of the government's main concerns, especially after the referendum crisis in East Timor in 1998 where the GoI had been labelled a human rights violator. This label had made Indonesia's position difficult in international circles, and this position had affected the foreign aid intended for Indonesia. For example, at the time when Indonesia faced an economic crisis in 1998 when the currency rate of the rupiah plunged to IDR 12,000 per USD 1 (where previously it had only amounted to IDR 2,000 per USD 1) as a condition of the foreign loans, the government was requested to commit to the protection of human rights.

After the Suharto era, one of the important agenda items for the subsequent presidents was to improve the image of Indonesia among the international community, and one of the approaches was to settle the domestic problems through democratic means and to respect the principles of human rights as per the global norm. In addition, Wahid and Yudhoyono believed that settling the conflict in a more democratic manner was not only good for Indonesia's image but also cheaper than any military operation.

The high cost of the military operation also became the reason for Habibie to re-evaluate the GoI's policy in East Timor.

Nevertheless, GAM found that the multi-dimensional crisis faced by the Indonesian government was the ripe moment to strengthen their struggle for independence: fight hard while the 'enemy' is weak. For GAM, independence was 'just a cigarette away', or *sibak rokok teuk*. This reveals how confident GAM was about Aceh's independence. Most people in Aceh believed this massive propaganda where GAM claimed that their struggle for independence was supported by many countries. The perception that Indonesia would fall apart and that Aceh's struggle could gain international political support like East Timor (or former Soviet republics) made GAM elites argue that the peace talks were a medium for propaganda to invite more international intervention in Aceh. From the analysis of the precondition for the Helsinki MoU and the CoHA process, it can be concluded that during the precondition for the Helsinki MoU process, the conflicting parties were more ready for the negotiation and had the same motivation to end the conflict than during the CoHA.

This section concludes that in the CoHA context, GAM's readiness for negotiation could not be explained by the readiness theory alone when the perception of ripeness was seen as the ripe moment for struggling for GAM's goal rather than for a mutual solution. Rather, it was a motivation for 'victory' instead of ending the conflict. As Pruitt (2005: 7) states, "negotiation will only start if there is some degree of readiness from both sides, and, hence, some degree of ripeness. The greater the readiness and ripeness, the more likely it is for a negotiation to occur." GAM's motivation in the CoHA was an anomaly since the perception of ripeness did not come from the three aspects of conditions as mentioned by Pruitt (2005), which include the perception of conflict not being won, the perceived cost of conflict, and the perceived cost of continuing the conflict.

GAM's position changed dramatically in the Helsinki peace process when the leaders felt that they could not gain independence through international support. The impossibility of winning the war had led GAM to submit to the Helsinki peace talks. While GAM had different motives for entering the peace process in the CoHA and Helsinki MoU, the GoI had similar motives in both cases, in consideration of the cost of the conflict and its impact at the national and international level.

CHAPTER 5

MEDIATION AND NEGOTIATION DURING THE CoHA AND HELSINKI PROCESSES

5.1 Introduction: Optimism for the Success of the Negotiations

The readiness theory states that the main reason for a party to enter negotiation is when they are optimistic that they can reach a mutually acceptable agreement with the opponent. In addition, this sense is not only important when they enter the negotiations but it is also necessary during the negotiation process, otherwise the process is destined to fail.

This chapter further presents the answer to the second research question concerning the factors that prevented both parties from reaching a full agreement in the CoHA and the cause that led the conflicting parties to agree to sign a full settlement in the Helsinki MoU. The analysis focuses on the negotiation and the mediation context during the CoHA and the Helsinki MoU, and includes the pre-negotiation phase in both peace processes.

5.2 The First Negotiation Process: Geneva Peace Talks

The first negotiation started with the Bavois agreement on 27 January 2000 and ended with the Cessation of Hostilities Agreement (CoHA) on 9 December 2002. Between 2000 and 2002, various arrangements to stop the violence and conflict were agreed between the GoI and GAM leaders: a Humanitarian Pause (12 May 2000), a Commander-to-Commander Agreement (10 February to 18 March 2000), and Agreeing to the Autonomy Law as starting points for discussions (10 May 2002). All the negotiation processes indicated the development of negotiation topics, which were initiated, ranging from humanitarian concern and security arrangements to political dialogue.

Accordingly, this thesis mainly focuses on the CoHA as the last part of the first peace process. The main objective of the CoHA was to create an atmosphere that was conducive to the peace process. As the conflict management approached, the CoHA was not a final agreement that mentioned specifically and clearly the permanent solution, but a beginning of the process towards a full political settlement that started from an “all-

inclusive dialogue”. Accordingly, the next section explains the dynamics of the CoHA process and this analysis is divided into two main parts, the first of which focuses on the pre-negotiation process, while the second focuses on the negotiation and mediation processes (HDC – Aceh Review 2003).

5.3 The Pre-Negotiation Process: A Winding Road towards the CoHA

The initiative for dialogue with GAM was a response from the dynamic situation in Indonesia after the downfall of Suharto (Syahputra, 2000). The early initiative came from Syamsuddin Mahmud, the Governor of Aceh in 1993–2000, with permission from President Habibie. In mid-1999, the Governor sponsored three student activists (including the author) to open channels of communication with GAM leaders in Malaysia, Thailand and Sweden. This mission was then followed by five Acehese leaders who had emotional ties or relations with Hasan Tiro to visit GAM’s headquarters in Stockholm (*Serambi Indonesia*, 3 July 1999). The purposes of these visits were to probe possible dialogue between the people in Aceh and GAM’s leaders to find common solutions for Aceh. Unfortunately, only three student activists succeeded in communicating with GAM leaders, and to make matters worse, the GAM leaders in Sweden refused to meet with five Acehese leaders.

A further serious step in the negotiation process was taken by Abdurrahman Wahid after he was elected as President of the Republic of Indonesia on 20 October 1999. Wahid became the first president of Indonesia since Sukarno who initiated an open dialogue with the insurgency group, and in doing so, he became the leader who built the foundation for peace in Aceh. Since Wahid understood that he did not have any direct links to contact the GAM leaders, he utilized his party, *Partai Kebangkitan Bangsa*, (PKB, or Nation Awakening Party) to approach *ulamas* (or Muslim scholars) and student activists in Aceh (interview with Afdhal Yasin, an informant of President Wahid’s in Banda Aceh, 2000). Wahid, who was the chairman of *Nahdlatul Ulama* (NU), the largest Muslim organization in Indonesia established by his own grandfather, realized that *ulamas* were the important element in Aceh society. They had been playing a significant role for hundreds of years in social politics, such as becoming advisors or judges in the Sultanate system. The *ulamas* were also front-liners during the colonial war and their role continued after independence in 1945 when they enjoyed political

hegemony until 1959. Later on, the role of *ulamas* was gradually taken over by technocrats and academics (Kell, 1995).

Besides the *ulamas*, Wahid also approached student activists in Aceh. After the referendum movement in November 1999, these played an important role in Aceh and led the public protest against the GoI. This group consisted of key players with connections among the conflicting parties in Aceh, including GAM, *ulamas*, conflict victims, the government, the business sector, journalists, international NGOs, and other international representatives. Wahid believed that the *ulamas* and student activists could be the counterbalance to GAM in Aceh (personal interview with Wahid, in Jakarta, 1999).

If Jusuf Kalla had Farid Husain as the operator, connector or communicator on the ground, Wahid had Afdhal Yasin who played the same role as Husain to transmit the reconciliatory signals from the GoI to GAM and the people in Aceh. In March 1999, through facilitation by the activists, the *ad interim* of the State Secretary, Bondan Gunawan, visited GAM's military commander Teungku Abdullah Syafi'ie, and conveyed the message from Wahid that the GoI was ready to open the dialogue with GAM. The initiative for dialogue also received support from civil elements who established a task force called *Tim-21*, or "Team of 21" to support the implementation of the peace talks. The team, which represented various groups, actively approached Wahid, military commanders and GAM leaders to take immediate action for peace talks. Wahid finally assigned Ambassador Hasan Wiradjuda, the head of Indonesia's permanent representative at the UN-Geneva, to start communications with Hasan Tiro in Stockholm (Abdullah, 2010).

5.3.1 Preliminary Meeting: Precondition for Formal Negotiation

The preliminary meeting between Hasan Tiro and Hasan Wiradjuda was conducted in Geneva on 27 January 2000 and facilitated by the Henry Dunant Centre (HDC), a non-government organization (NGO) based in Geneva. The meeting focused on the possible peace talks between the GoI and GAM. Further meetings continued for less than six months, and, finally, both parties agreed to start the humanitarian dialogue. During the short preliminary process, both parties discussed and agreed on several issues. The first was to control their military and stop violence to give space to humanitarian actions in

Aceh. Second, for security reasons involving GAM, the peace talk process would be conducted in Geneva with the HDC as the mediator, in which at first GAM insisted that the UN or state actors should take on this role (Abdullah, 2010). Third, both parties introduced the head of the negotiating teams, Hasan Wiradjuda as the head of Indonesia's negotiators and Zaini Abdullah as the head of GAM's negotiators.

In fact, due to the lack of knowledge concerning GAM's internal dynamics, Wahid and the HDC had already approached Husaini Hasan (MB-GAM), who was excluded from GAM, before they met Hasan Tiro. Wahid's delegation, through Romo Nitiyudo Wachyo met MB-GAM and offered a special region for Aceh such as Kelantan in Malaysia, but Husaini Hasan (2013) proposed Aceh as an independent Islamic State. President Abdurrachman Wahid responded to this proposal by implementing Islamic Law or *Shariah Islam* in Aceh under the special autonomy scheme.

The HDC then replaced Wahid's initiative, and continued to communicate with MB-GAM. In January 2000 when Martin Griffith, the Director of the HDC, visited MB-GAM twice in Stockholm; according to MB-GAM's spokesperson Syahbuddin Abdurrauf (2010) the HDC invited MB-GAM to discuss the peace plan in Aceh. MB-GAM responded positively and supported this plan. During the meeting with the HDC, Husaini Hasan also suggested that the latter should involve Malik Mahmud and Zaini Abdullah in the negotiation process, beside the elements from civil society, such as Teungku Ibrahim Panton (*Ulama*/religious leader), Muhammad Nazar (SIRA), Otto Syamsuddin (NGO), Dr. Harun Ali (intellectual and academician), and Ghazali Abbas who represented politicians/leaders (Hasan, 2014).

However, MB-GAM's position was slightly different from GAM, which could not decide directly whether or not to negotiate with the GoI before consulting with their members and commanders in the field. Nevertheless, both groups (GAM and MB-GAM) came to Geneva in February 2000, and the HDC conducted separate meetings with them. In general, both agreed to negotiate with the GoI but with different requirements. MB-GAM proposed to have Acehnese representatives involved in the peace negotiation including religious leaders, civil society groups, and activists (Daud, 2011). This was different from GAM, which considered itself as the representative of the people in Aceh and felt that the involvement of other parties ought to be

recommended by the negotiators' teams, the GoI and GAM. In addition, GAM requested that HDC no longer engage MB-GAM in the negotiation process since they claimed that the Malik Mahmud group was the only legitimate GAM organization representing Aceh, which had been mandated by Hasan Tiro and was followed by all the commanders in Aceh (Abdullah, 2010).

Most of the preliminary negotiations from February until May 2000 were conducted confidentially and the HDC used shuttle mediation between Aceh, Jakarta, Stockholm and Geneva. The HDC also conducted field assessments, met stakeholders in Aceh and Jakarta, identified the interests of the GoI and GAM, and sought advice from experts. All of this input and information was drafted by the HDC as the initial agreement that focused on humanitarian actions as the precondition for formal negotiation: "... to provide for the delivery of humanitarian assistance to the population of Aceh, security modalities for this aid, a reduction in the levels of violence and tension and the promotion of confidence-building measures" (<http://www.hdcentre.org>). In their design, the humanitarian agreement was an approach to assist both parties before they started formal dialogues. Nevertheless, GAM perceived the preliminary process as meaning that the GoI had recognized GAM as the representative of Aceh. With this recognition, the GoI only had two options: either a military approach until GAM surrendered, or the GoI and GAM would agree to enter into political dialogue to negotiate a permanent solution for Aceh, be it "autonomy" or "independence" (Tiba 2003).

5.3.2 The Dynamic Options for Solution

Since 1999, in line with the decentralization programme, the GoI had offered special autonomy and Islamic law, or *shariah* Islam, as the solution for Aceh. The GoI was optimistic that Aceh would accept this offer, especially since the majority of the Acehnese were Muslims. Historically, Islamic law was also the key issue for the insurgency movement in the 1950s. However, GAM and some civil society groups rejected these proposals and argued that autonomy was not the answer for the problems in Aceh due to the fact that the Acehnese conflict was not simply an economic issue, but a problem of human rights violations, ethnic identity and the right to return to its former sovereignty (Syahputra, 2000). In relation to the implementation of Islamic law, GAM

argued that was not the issue of the current conflict in Aceh. According to GAM's perspective (Syahputra, 2000), the *shariah* issue was part of an intelligence scenario to perceive Acehnese as fundamentalists or radicals, and, at the same time, to undermine Western support for Aceh.

GAM's rejection of the special autonomy that included Islamic law was also related to historical reasons. First, GAM and most of the Acehnese had been disappointed with the GoI since 1959 when the Special Region, or *Daerah Istimewa*, was granted to Aceh for more sovereignty in managing educational, religious, cultural and customary affairs, but this was never implemented. Second, the people in Aceh were deprived, as all the natural resources were exploited and taken to Jakarta. Thus, the GoI was perceived by the Acehnese as the new colonial regime that had simply continued the Dutch colonial administration. Consequently, GAM learned from the past and assumed that the special autonomy and Islamic law were merely a political trick, and that the GoI never intended to implement these, and, as such, the offer was simply to calm Aceh down and not to solve any problems (Syahputra, 1999).

Even though GAM refused the special autonomy and Islamic law, the GoI was still motivated to engage in communications with moderate groups in Aceh, such as intellectuals, *ulama* organizations, some women's organizations as well as politicians in the local parliament. During the communication process, the more moderate groups, such as *Balai Sura Ureung Inong Aceh* or Aceh Women's Council believed that special autonomy was a realistic solution to resolve the conflict in Aceh (personal interview with Naimah Hasan, woman activist, in Banda Aceh, April 2000). Although there were more societal groups that supported the autonomy option, most of them were based in Banda Aceh and they did not dare to show their political stand too openly because they did not want to be considered by GAM or other hardliner groups as the GoI's agents.

5.4 Negotiation and Mediation Process

5.4.1 Process Leading to the CoHA

On 12 May 2000, the GoI and GAM signed the first historical agreement, a Joint Understanding of Humanitarian Pause for Aceh. The Humanitarian Pause focused on three agendas: delivery of humanitarian assistance to the population of Aceh, provision of security modalities for humanitarian assistance and reduction of violence and tension,

and promotion of confidence-building measures towards a peaceful solution to the conflict in Aceh. The agreement effectively started on 2 June 2000. To evaluate, monitor, and review the implementation of the agreement, the GoI and GAM established a Joint Forum. In relation to the implementation of the agreement, two committees were involved, namely a Joint Committee for Security Modalities (JCSM) and a Joint Committee for Humanitarian Action (JCHA). The GoI and GAM together selected the members for these committees.

To monitor compliance and any violation of the agreement, the HDC invited independent monitoring teams (Humanitarian and Security) from international backgrounds, such as the Philippines, Germany and other countries. In early September 2000, Hasan Wiradjuda proposed to the HDC that they commence political dialogue and invited GAM to prepare for a political proposal for Aceh. The GoI threatened to withdraw from the negotiating table if GAM was not willing to start a political dialogue for a permanent solution for Aceh (*Waspada*, 5 September 2000).

GAM then made a positive response to the GoI's proposal and both parties entered into a political dialogue in January 2001, after they closed the second phase of the Humanitarian Pause. To start the political dialogue on 6–9 January 2001 in Geneva, the HDC facilitated a problem-solving workshop in which the agenda included causes of conflict, and assessment of practical actions and possible solutions, which included democratic process, human rights, security, and economic and social transformation (*HDC Internal Review*, 2003). After four days of the problem-solving workshop that was assisted by William Ury, both parties agreed to move towards a security arrangement and political dialogue under the provisional understanding. Several steps followed this provisional understanding, publicly known as the moratorium phase, which included several actions: security arrangements to allow for a moratorium on violence, meetings among field commanders, and the creation of a framework for a process of democratic consultations with participation by the Acehnese. To support implementation of this agreement, the HDC facilitated a Joint Council that was responsible for reviewing the progress of implementation, for addressing the issues through the democratic consultation process and for ensuring adherence to the agreement.

Based on the HDC report (*Internal Review* 2003), in the following months, both parties continued the implementation of the agreement, which included Joint Council meetings and field commander meetings. In February 2001, the HDC released a joint statement, which initiated a road map for the peace process ahead: “to use the NAD law as a starting point for (political) discussion” and “to have a period of confidence-building in which they would cease hostilities and then move towards democratic elections in Aceh 2004”. GAM proposed a ceasefire as the first step towards political solution with the presence of international observers in Aceh. Between July and mid-August 2001 was the critical time for the peace process when both parties were facing a deadline in proceeding with the democratic consultation process as the starting point for a permanent political solution.

The second Joint Council meeting was conducted from 30 June to 1 July 2001 in response to the increased violence and the political crisis in the GoI during the process of Wahid’s impeachment. The HDC noted that both parties reaffirmed their commitment to continue the peace process on security arrangements, but that the Indonesian delegation required two matters: first, to involve GAM’s Army Chief, Teungku Abdullah Syafi’e, and second, GAM should promise and provide a security guarantee for the ExxonMobil operation that had been stopped in the last few months due to threats from GAM. GAM refused to accept these conditions and argued that they did not want to take the risk of presenting Teungku Abdullah Syafi’e since they did not trust TNI or the police to refrain from arresting him (*Serambi Indonesia*, 2 July 2001). In relation to ExxonMobil, GAM claimed that they were not responsible for the company’s security and charged TNI with the responsibility. GAM also asked the GoI to provide protection instead because Indonesian troops were present in the ExxonMobil area (*Serambi Indonesia*, 2 July 2001).

On 15 July 2001, the GoI withdrew Indonesia’s representative to JCSM and they expected GAM to do likewise; however, GAM refused. Moreover, political instability in the GoI after the impeachment of Wahid directly affected the situation in Aceh when the local police arrested and imprisoned six of GAM’s delegates on the Joint Committee. At that time, the HDC was not only incapable of protecting GAM’s negotiators but also lost political support and commitment to the peace process from the GoI. During this crisis, the peace process in Aceh was in ‘moribund’ condition, which

led to an increase in violence. The situation changed after Megawati replaced Wahid as President of Indonesia in August 2001. Megawati decided to continue the peace process and she actually released GAM's negotiators.

During the critical situation, to improve the effectiveness of the peace talks that would focus on political dialogue, the HDC invited a group of dignitaries, known as the Wise Men, consisting of General (retired) Anthony Zinni (USA), Surin Pitsuwan (former Foreign Minister of Thailand), Budimir Loncar (former Yugoslavian Ambassador to Indonesia), and Bengt Söderberg (former Swedish diplomat). Progress was made in the negotiations by early September 2001, when the GoI submitted a draft of an agreement for the cessation of hostilities. The HDC subsequently adopted the draft as a basis for further dialogue. In addition, the GoI had proposed guidance for full settlement based on freedom and democracy that could be achieved through four steps. *First*, autonomy should be accepted as the final solution. *Second*, during the transitional period from conflict to peace, there would be a cessation of hostilities, an intensive confidence-building process, and post-conflict reconstruction project to normalize socio-economic life in Aceh through government and international aid. *Third*, a consultative forum of 'an all-inclusive dialogue' should be established to involve GAM and civil society in achieving a negotiated peaceful settlement for the problems in Aceh based on the Autonomy Law. *Fourth*, a general election should be held in Aceh and GAM should be able to participate in the national election in 2004 (Sastrohandoyo, 2003).

In January 2002, GAM agreed to consider the special autonomy as a starting point and agreed to drop independence as the reference, on condition that the GoI did not publish in the media that GAM had abandoned independence (*HDC Internal Review*, 2003).

5.4.2 Starting Political Dialogue

The substantive dialogue was conducted in May 2002 and the parties agreed to use autonomy as the starting point. To support the on-going negotiation, on 3 December 2002 in Tokyo, the Japanese government hosted the Preparatory Conference on Peace and Reconstruction in Aceh, which was attended by 16 countries and five international organizations. The conference showed the participants' support and commitment to

peace talks and the post-conflict reconstruction in Aceh. In December 2002, after receiving input from international actors (such as Japan, the EU, and the US), both parties were ready to sign a cessation of hostilities as the first step to create a peaceful atmosphere before both entered the political process (*HDC Internal Review*, 2003).

After a number of amendments to the draft, the GoI and GAM finally signed the Cessation of Hostilities Agreement (CoHA) on 9 December 2002 in Geneva. In general, this CoHA focused on four sectors:

1. *Security*, which included cessation of hostilities and armed fire, identification of the demilitarization zone, demilitarization, relocation of the Indonesian Armed Forces (TNI), disarmament of GAM, and reformulation of the Special Police Force (Mobile Brigade) to regular policemen.
2. *Humanitarian efforts*, which included humanitarian aid to IDPs.
3. *Reconstruction*, which included rehabilitation and reconstruction of infrastructure and buildings that had been damaged by armed conflict.
4. *Civil reform*, which included managing the dialogue or all-inclusive dialogue to strengthen the democratization process in Aceh (CoHA document, 2002).

Both parties agreed to implement the arrangement in the CoHA, which included monitoring and maintaining the security situation under the Joint Security Committee (JSC) mandate that was supported by 144 personnel who represented the GoI, GAM and the HDC. The JSC (led by Major General Thanungsuk Tuvinnun from Thailand) was responsible for identifying and establishing peace zones, to rehabilitate and reconstruct the conflict affected areas, and to start the demilitarization process after a period of confidence building. In the agreement, the JSC acted as the party guarantor for implementation of the agreement. This important role was usually played by a state actor, but the GoI rejected the HDC proposal to involve a state actor as the third-party guarantor.¹⁰

Regarding demilitarization, the GoI and GAM agreed to complete the process in five months (9 March to 9 July 2003) by the following steps: reformulation of TNI and the police from an offensive to a defensive position, and the placement of GAM's weapons in a selected place by GAM and the HDC. Before the demilitarization step, there was a confidence building phase (9 December 2002 to 9 March 2003) in which

¹⁰ The HDC had sent one proposal to Jakarta to involve European countries as observers.

neither party was allowed to act aggressively in any way that could escalate tension (CoHA document, 2002).

5.4.3 Positional Bargaining

Even though on 10 May 2002 GAM had agreed to use autonomy as the basis for their future political arrangement, on the same day GAM released a political statement to the media concerning their position and that GAM would never stop the struggle for independence, and that the final decision on the special autonomy would be determined by the Acehnese people in ‘all-inclusive dialogues’ (*GAM Press Release*, 10 May 2002). GAM argued that the Autonomy Law could not be used as a political compromise because the name of *Nanggroe Aceh Darussalam* (or NAD, which replaced the name Province of Aceh) that was stated in the Autonomy Law was not logical or rational. *Nanggroe* means *Negara*, or State, so for GAM, this meant Province of State of Aceh Darussalam. Based on its name, the GoI should therefore have given state authority to Aceh, or otherwise erase *Nanggroe* from Act 18/2001 (Tiba, 2003).

Concerning political reasons, GAM argued that the Autonomy Law could not accommodate GAM’s political interests as they could not have a governor or other formal political positions in Aceh. Based on the Autonomy Law, those positions were only eligible for the Indonesia citizens who are loyal to the Indonesian government and *Pancasila* (the state ideology of Indonesia). GAM interpreted the law as a means to systematically eliminate their role within Acehnese society. And, for this reason, autonomy as the political solution could not be accepted by GAM (Tiba, 2003).

Additionally, GAM agreed that the share of revenue from natural resources included 80% from forestry, fisheries and general mining, and another 70% from gas and oil that would be reduced to 50% after 8 years (Tiba, 2003). This was a significant offer from the GoI compared to the previous share in which Aceh only received 1%. However, GAM questioned if the GoI had the capacity to implement this offer when the impact of the economic crisis since 1998 had almost bankrupted Indonesia. In the last two years, 1999–2001, Indonesia had an annual deficit in the budget of IDR 54.7 trillion, or almost USD 5.4 billion per year (Tiba, 2003). Accordingly, the GoI would not be able to commit to the implementation of the Autonomy Law, especially the articles relating to economic compensation.

Moreover, GAM also questioned who would estimate the total benefit from the oil and gas, Aceh or the GoI. GAM argued that the Autonomy Law did not cover any of those questions and did not provide transparency concerning the management of these resources either, which could lead to new conflicts in the future (Abdulgani, 2010). Past experience had influenced GAM's position concerning autonomy as they believed that under certain conditions, the GoI could easily change or cancel the Autonomy Law when the law ran contrary to a higher law (*lex superiori derogat legi inferiori*) or in the future, the government could ratify a new law that would annul the Autonomy Law, according to the principle of *lex posteriori derogat legi priori* (Abdulgani, 2010).

GAM also proposed that the 2004 election must give an opportunity to the Acehnese to decide their final political option and whether they would vote for autonomy or independence. GAM expected the GoI to accept their ideal as the democratic solution and to help Indonesia overcome its problem. GAM described the multidimensional crisis in Indonesia as being like a big ship facing a storm on the ocean, and that the only way to save the passengers' lives was to let them use lifeboats – in other words, the GoI must let the provinces separate themselves from Indonesia, otherwise all of them would sink into the ocean together (Tiba, 2003).

The significant differences between the GoI and GAM indicated that neither party was able to reach a similar platform for political settlement, because during the process, they had adopted an offensive position, in which whatever ideas came from one party were perceived as a trick by the other. The HDC also failed to build a common interest, and both parties insisted on their inflexible positions, autonomy versus independence. Instead of building trust, the HDC applied a long-term approach, lasting for almost one year and a half, from humanitarian dialogue to issues of substance. The whole negotiation process is defined as a positional bargaining that is frequently used as an opening strategy when the parties first meet. In this strategy, the GoI and GAM negotiated on the basis of their own interests by using threats, inflated demands, and binding commitment as the tactics, although this strategy usually produced an unsatisfying outcome (e.g. with deadlock situations or poor compromises that would not satisfy the interests of the GoI and GAM as agreed in the CoHA).

5.4.4 HDC: Obstacles as Facilitators

In considering the mediation theories developed by Kressel (1972), Touval and Zartman (1985), the HDC's strategy and tactics applied in the Aceh peace process could be classified as directive behavior, in which it played an active role in encouraging the GoI and GAM to find a solution, especially during the negotiation process on humanitarian issues. According to Bercovitch (1991), the goal of this behavior is to change the parties' perception of cost, consequence and benefits. Nevertheless, it has been found that this active strategy can only produce effective mediation provided it is applied by the well-experienced mediators since the strategy affects trust, relationships and the perceptions of the conflicting parties.

Compared to the role of the CMI during the Helsinki peace talks that was only responsible for mediating the parties around the peace table, the HDC was involved since the pre-negotiation process that included assessing the issues, bridging communication among the parties, designing the frame of dialogue and looking for funding support. Established in 1999 in Geneva, Switzerland, the HDC's mission was to support a just and lasting peace through humanitarian dialogue and informal diplomacy. Aceh was the first international peace project of the HDC under the concept of the *New Prevention* that had expanded the limit of humanitarian action from alleviating the consequences of war to creating the conditions for peace. Based on the New Prevention, the HDC's mandate was to prevent the horrors of war (*Aceh Initiative, Internal Review*, November 2003). When the HDC was actively involved as the facilitator of dialogue in the beginning, the HDC did not have any official status from the government. However, the HDC took this risk as an advantage for manoeuvring with less Governmental oversight (HDC Internal Review, 2003). Further, the HDC's role quickly changed to that of a mediator during the Humanitarian Pause when it sought to transform communication in search of a mutually acceptable solution between the GoI and GAM.

One of the key obstacles faced by the HDC during their involvement in the peace process was building trust between the GoI and GAM. One year after the peace process started, the HDC realized that it was impossible to build a joint commitment between the conflicting parties, since the GoI and GAM could not change their perception of each other. GAM could still not trust the Government due the relationship of long conflict between Aceh and the GoI, and continued to perceive the GoI as a neo-

colonialist government, while, at the same time, the hardliners inside the GoI classified GAM as an enemy of the state that needed to be destroyed.

One of the strategies that had been used by the HDC to avoid the deadlock of the peace talks and to change the perception of GAM was to invite a negotiation expert named Professor William Ury, in early January 2001. Professor Ury helped GAM to understand their interests and advised them to be more realistic in pursuing their goals through democratic means. In addition, to strengthen the HDC's position as the mediator, the HDC created a group of Wise Men in mid-July 2001. According to the HDC Internal Review (2003), the role of the Wise Men was to assist and support the HDC and advise the conflicting parties in the search for a political solution. The Wise Men were also expected to improve the leverage of the HDC, while simultaneously attracting wide support from the international community for Aceh, including political and financial support for the peace process, either during or after the peace talks. In the HDC Internal Review (2003: 31) it was stated: "The Wise Men shielded the HDC from facile and inaccurate criticism, increased its credibility, concentrated the minds of the parties and assisted with access to senior political level." In addition, besides establishing the Wise Men group to strengthen the international pressure on the GoI and GAM to commit to the signed agreement and also to support the DDR process, the HDC worked closely with various governments including the EU, the US, Japan, Thailand, the Philippines, and Norway.

The long process from the Humanitarian Pause towards the CoHA had increased the pessimism from the parties and other groups since the agreement that had been signed could not be implemented fully and had not decreased the violence. This condition created distrust in both parties towards the HDC, including the incapability of the HDC to protect GAM's negotiators from the arbitrary action of the GoI, when, on 6 July 2001, the police arrested six GAM negotiators in Banda Aceh for subversive activities, and another member was arrested in August. In fact, the HDC staff were harassed and threatened by the police, and, on 10 July 2002, the HDC was accused of espionage by Major General Djali Yusuf, Chief Commander for Aceh. He requested that the HDC stop their activities and leave Aceh within two days since the HDC had failed as facilitator, and were close to GAM and supporters of a referendum (*HDC Internal Review*, 2003).

The fragile trust and the tensions during the peace talks led the HDC to implement the shuttle diplomacy tactic between “two rooms”. All the negotiations were conducted indirectly through the HDC, and before the CoHA was signed, the parties never met face-to-face for almost eight months until they came to Geneva to sign the agreement on 9 May 2002. During that time, the GoI had initiated a meeting with GAM’s leaders, but GAM was unwilling to meet them (*HDC Internal Review*, 2003). The most critical moment was when HDC was able to lead the GoI and GAM into political dialogue and both parties agreed to accept the provision in the CoHA that included disarmament, all-inclusive dialogue and elections. But unfortunately, the agreement failed to match the interpretations between the parties of the mechanism of implementation.

Along the CoHA process, in an internal review (2003), the HDC noted two contentious issues that they faced. The first constituted the permanent political solution for Aceh when the GoI and GAM insisted on their respective positions of special autonomy and independence. However, both parties agreed in the CoHA to review the special Autonomy Law with the participation of civil society in Aceh, and GAM agreed not to continue their struggle for independence, while, at the same time, GoI agreed not to state autonomy as the permanent solution for Aceh. The second issue comprised demilitarization of GAM when they accepted the term “placement” of weapons rather than weapons “storage”. Although the GoI and GAM had agreed in the CoHA on these issues, these issues were actually not solved completely, and, thus became one of the factors that led to the failure of the CoHA implementation.

5.5 The Helsinki Peace Process

The Helsinki peace process for the Memorandum of Understanding (MoU) started on 28 January 2005. It ended seven months later when the representatives from the GoI and GAM signed the MoU on 15 August 2005. This MoU constitutes a comprehensive and sustainable solution, which ended one of the longest violent conflicts in the history of Southeast Asia. During the Helsinki peace talks, both the GoI and GAM delegations negotiated about six main topics (Awaludin, 2008). The first one, self-government, was proposed by GAM as the “fictional independence” in which Aceh would become a self-governing state in all matters but foreign affairs, aspects of external defence, and

elements of taxation (Kingsbury, 2005; Abdullah, 2010). The second one covered political participation, including provincial and local elections. The third one concerned the economic arrangements, which included revenue sharing. The fourth one pertained to amnesty and the agreement concerning the definitions of those covered. The fifth one dealt with the security arrangements, including the DDR processes, and the last, the external third-party monitoring.

5.5.1 Pre-Negotiation: The Road to Helsinki

The pre-negotiation process started almost one year and a half before the first round of peace talks was conducted in Helsinki. At the time, the GoI was the party that took the initiative for this process. This section divides the pre-negotiation process into two phases: the first one was during the Megawati presidency, especially after the CoHA collapsed (from May 2003 to mid-2004), and the second one was during the Yudhoyono presidency (October to December 2004). The first phase of pre-negotiation came from personal initiative rather than from government policy. Susilo Bambang Yudhoyono and Jusuf Kalla were among those who believed that the conflict in Aceh could be solved through dialogue rather than a military approach.

When Megawati declared martial law in May 2003, Kalla as the Coordinating Minister for Social Welfare and Yudhoyono as the Coordinating Minister for Political and Security Affairs at the time were still trying to find a better settlement through holding dialogues. With the unofficial approval from Megawati, Kalla delegated his trusted friend, Farid Husain, to identify GAM's links and approach them to learn about the possibility for future peace talks. During this phase, the conciliatory signal that was sent out by Kalla to GAM did not receive any feedback. This situation then changed after Yudhoyono and Kalla came to power and promised to settle the conflict in Aceh with dignity within three years. To realize this promise, Yudhoyono and Kalla shared responsibilities in which the President was responsible for protecting the peace process from being sabotaged by hardliners in the military, and the Vice President was responsible to secure a peace plan from political attack from politicians in parliament (Ali, 2008).

Moreover, it is important to note that once Yudhoyono and Kalla were in office, they contributed to the optimism of successful negotiation and were capable of building

fundamental trust with GAM through their 'informal representative', Farid Husain. From the very start, Husain was directed by Kalla to approach GAM to identify their true leader, the actual problem in Aceh, the expected solution and the possible solution for negotiation. Accordingly, Husain patiently approached GAM to build personal relations, an emotional bond, and trust. He presented himself according to his true profession, a medical doctor, rather than a government employee. He showed concern for people's well-being, health, and other related matters (*The Jakarta Post*, 8 September 2005). For Kalla, the pre-negotiation process, as a back-channel dialogue, was crucial to building early consensus. If necessary, Kalla even suggested that 50% of the problems should be discussed and resolved before the formal peace talks started (*Antaranews*, 8 April 2007). Aside from approaching the GAM leaders in Aceh and Europe, Yudhoyono and Kalla changed the government's view on GAM from a terrorist group to an equal partner in finding the solution for Aceh. Kalla cautioned that in the peace process, it is important to respect the dignity of the opponent and that wars sometime occur because dignity is overlooked (Husain, 2005).

Slowly but surely, Husain was able to build trust and confidence among those who were outside of GAM's inner circle in Aceh and Jakarta. Thus, he did not manage to reach those in the inner circle in Sweden (i.e. those who made all the final decisions for GAM) until he met a Finnish businessman, Juha Christensen, in December 2003 in Jakarta. Although Christensen had initially promised Husain that he could arrange a meeting with GAM leaders in Sweden, by February 2004, Christensen had failed to arrange the meeting. By way of compensation, Christensen suggested that Husain should meet Martti Ahtisaari, the former president of Finland and presently the chairman of the Crisis Management Initiative based in Helsinki. In his meeting with Ahtisaari, Husain explained the conflict in Aceh and the autonomy that was being offered as a solution. According to Husain, Ahtisaari listened attentively to his explanation and further suggested that the GoI ought to offer something to make GAM interested in holding a dialogue (Husain, 2005). This meeting was important, as it constituted the second contact that had invited Ahtisaari to become involved in the peace process in Aceh when previously, in late 1999, Husaini Hasan from MP-GAM had earlier contacted Ahtisaari's administration to provide international assistance for Aceh (Kivimäki, 2010). There was no commitment or any other concrete action after

the meeting between Ahtisaari and Husain, as Husain was not officially part of the government representatives until late 2004 when Yudhoyono and Kalla came to power. Then the peace agenda became clearer, and Kalla instructed Husain to arrange intensive contacts with Ahtisaari and invited him to be the mediator between GAM and the GoI.

The back-channel dialogue between Kalla's team and GAM's members in Aceh and Malaysia initially focused on economic compensation and a political solution. Kalla argued that peace means compromise, and that compromise means concession, in which economic compensation plays an important part in resolving the conflict (Schulze, 2007). In his proposal, Kalla offered thousands of hectares of land and state-owned plantation areas that would be handed over to GAM. GAM would hand over 1,000 weapons to the GoI to compensate for amnesty (ICG, 2005). However, Yudhoyono and Kalla were still optimistic that GAM would re-establish the dialogue if the GoI could offer a dignified and equitable solution, as Kalla stated:

First, I believe the issue in Aceh is a matter of justice – justice of the economic sector since it started. Not a matter of ideology. Second, based on my experience, I am optimistic that as long as we have direct communication the conflict can be resolved. Third, if the conflict continues, there will be more victims. I believe there must be dialogue with a dignified and equitable solution. (Kalla, 2004, as cited in Husain, 2007: 3)

Kalla tried to resolve the problem domestically by approaching GAM commanders in Aceh. However, he later realized how cohesive GAM was when the commanders in the jungle or negotiators in prison would not make any deal with the GoI and suggested that Husain talk to their leaders in Sweden instead. All of the political decisions must be made by those in Sweden, specifically by Malik Mahmud, Zaini Abdullah and Zakaria Saman (*Kompas*, 11 January 2005). This compliance of the combatants reflects the cohesiveness of the party, which was very useful during the peace process because the leaders were supported by their party (Assefa, 1987; Zartman, 1996).

During the pre-negotiation process, GAM leaders were seen to be more passive than the GoI; they were more inclined to wait and respond to the signals that were

offered by the GoI. Even though direct communication could not be developed effectively between Jakarta and Stockholm, Christensen played an important role in transmitting the GoI's signal to GAM leaders in Stockholm. The result of the long pre-negotiation process was realized on 23 December 2004 when Christensen wrote to Husain that the parties had agreed to re-establish the peace talks with Ahtisaari as the mediator (Husain, 2007: 66–67). On 24 December 2004, Christensen sent the preliminary invitation to GAM's leaders for a meeting on 8 January 2005 and stated that the peace talks would be conducted at the end of January. Christensen proposed a conditional agreement before the tsunami devastated Aceh on 26 December 2004 (Husain, 2007:68).

The Helsinki peace talks were the result of a pre-negotiation process that took one year and a half. During the long process, the conciliatory signals that were sent by the GoI to GAM were an important approach in building trust for both parties and contributed to the improvement of optimism at the negotiating table. As stated by Yudhoyono, GAM's response was encouraging compared to the previous peace talks (*Koran Tempo*, 30 January 2005).

5.5.2 Preparation for Peace Talks: A Comprehensive Plan

This thesis finds that the proper preparation for the peace talks was one of the important factors for reaching the agreement. This included the composition of the negotiator team and their attitude, the dress code, and the design concept and process of the negotiation proceedings. Kalla's role was dominant in this concern; he focused on all the details and aspects that could make the negotiation successful. Kalla selected an Indonesian negotiation team dominated by members from Sulawesi and Acehnese rather than Javanese. This was to avoid GAM's dislike of the ethnic Javanese who were stigmatized as "Javanese neo-colonials" (Ali, 2008). The negotiators were also non-foreign ministry officers, which was favorable for two reasons. First, Kalla wanted direct negotiations that were fast, without any blockage caused by a formal diplomacy style – the team was to be flexible without any manoeuvres in negotiations with GAM. Second, he wanted to emphasize that the peace talks were not a foreign affair, but a domestic concern since the negotiation team was not represented by the foreign ministry officers.

The negotiation team was led by Hamid Awaludin, the Minister of Law and Human Rights, and included Sofyan Djalil, the Minister of Information. Another team to support the negotiation team was led by the Coordinating Minister of Politics, Law and Security, Widodo AS. The three ministers were involved in the delegation teams. Kalla provided the negotiators with a clear mandate, action plan and negotiation targets with comprehensive and concrete offers to GAM. These included that GAM recognized Aceh as the province with special autonomy under Indonesia; they must stop the insurgency and surrender the weapons with the conditions agreed by the GoI; whilst the GoI offered amnesty to GAM members (Awaludin, 2008).

Table 5.1 The GoI's position proposed by Kalla for the Indonesian delegation in peace talks (Awaludin 2008: 34)

Issue	GoI	GAM	Solution
Political	Indonesian unity	Independence	Special autonomy
Economic	Welfare for all	Aceh resources for Acehnese	Share revenue, 70% oil and gas belong to Aceh
Religious	Considered in Constitution	Secular, back to Islam	Islamic law with local regulations
Military/Weapons	Surrender unconditionally	Keep the weapons	Surrender the weapons
Governmental	Based on the existing Autonomy Law	Play an important role in the government	Participate in elections
GAM's welfare	Plantation and compensation fund	Obtain maximum results	Negotiation

The Indonesian negotiators had the authority to make the agreement directly with GAM, as long as both parties agreed on the solutions proposed by the GoI. Should the agreement go beyond the solution offered by the GoI, the Indonesian negotiators must then consult the GoI. In his letter to the President, dated 25 January 2005, Kalla noted that the peace talks to be conducted in Helsinki on 28–30 January were informal meetings and suggested that the Indonesian negotiators focus the dialogue on substantial topics and not on the ceasefire agreement as the temporary solution.

One of the important “rules of the game” of Kalla that were to be followed by the Indonesian negotiators was to treat GAM negotiators as equal friends in the dialogue and not to perceive them as rebels. Kalla further insisted that the negotiators show the seriousness of the GoI through the color and motifs of the dress code (Awaludin, 2008: 25). He suggested that the negotiators look into the eyes of GAM’s members to show their willingness. In his book (2008), Awaludin took note that Malik Mahmud had a good impression of the GoI after he looked into Awaludin’s eyes in the first round of negotiation in January 2005.

Furthermore, in strengthening the peace plan, Yudhoyono and Kalla consolidated the negotiator teams with the Ministries, TNI, the police, Members of Parliament, and prominent figures. From the consolidation meeting, Yudhoyono and Kalla wanted to make sure that all of the decisions made at the negotiating table must be followed by others, aside from the consolidation meeting, which anticipated the spoiler group within the government as had happened during the CoHA. During the preparation time, Kalla was optimistic that the negotiations were to be conducted in five rounds and by August the GoI and GAM would reach a peace agreement (Awaludin, 2008: 42).

To further support the government’s motivation to end the conflict, Kalla invited the Ambassadors of the US, United Kingdom, Japan, Sweden, and the Charge d’affaires of Libya to attend a meeting on 10 January 2005. In this meeting, the GoI explained the situation in Aceh and their expectation for international participation to support their peace plan (Ali, 2008). Another follow-up meeting was held in Stockholm on 19 January 2005 when the Foreign Minister of Sweden, together with other ambassadors met GAM leaders and encouraged them to accept the GoI’s invitation for peace talks. The ambassadors convinced them that the peace talks were urgent with the consideration of special autonomy and Indonesia’s integrity (Ali, 2008). Malik Mahmud, as a representative of GAM, then agreed to start the dialogue and offered a ceasefire, “...the GAM/ASNLF¹¹, would like to reconfirm its commitment on 26 December 2004, for an unconditional ceasefire throughout Aceh for an undefined period” (*GAM press statement*, 15 January 2005).

¹¹ GAM started to use the Aceh Sumatera National Liberation Front (ASNLF) in the early 1980s as the official name at the international level. In the beginning of the movement in 1976, GAM was called *Aceh Merdeka*, or Independent Aceh. In the early 1980s, *Aceh Merdeka* was referred to by Jakarta as *Gerakan Aceh Merdeka* or Aceh Independence Movement. The additional word of *Gerakan* or “Movement” by Jakarta refers to taking action against the government.

All the preparatory aspects indicated the GoI's motivation and optimism for a negotiation process; the clear direction and action plan assisted the Indonesian negotiators in performing their duty to "not swim in an endless sea" (Awaludin, 2008: 60).

5.5.3 The Influencing Condition: the Tsunami as a Strengthening Factor

This thesis further discovered that the occurrence of the tsunami also strengthened the optimism of the GoI that negotiations with GAM would affect a joint agreement alongside the GoI's re-motivated first round of peace talks on 28–30 January, which had focused on post-tsunami reconstruction. The impact of the tsunami in Aceh on 26 December 2004 influenced the perception of Indonesia's hardliners concerning the conflict in Aceh, which exerted moral pressure on the GoI and GAM, and also consolidated international support. The important contribution from the impact of the tsunami was the implementation of a peace agreement in which hundreds of agencies working in Aceh also supported the post-conflict programs.

The tsunami devastated the lives of more than 170,000 people and Aceh suddenly gained serious attention and solidarity from the national and international communities. This disaster had given moral, political, economic and social imperative opportunities to the government to end the conflict and Aceh's status changed from being a dangerous zone to a devastated zone (Ali, 2008; Weizenegger, 2007). A year before the tsunami, most of the national polling indicated that 50% of Indonesians supported the military operation in Aceh. But their perception changed after the tsunami in that both the Indonesians and Acehnese opposed the military solution for Aceh (Weizenegger, 2007). The disaster accelerated the peace plan initiated by Yudhoyono and Kalla, and drew sympathy from the hardliners who had criticized the process prior to the disaster.

Indonesia's National Development Planning Board, or *Badan Perencanaan Pembangunan Nasional*, estimated that the tsunami damaged 95% of Aceh's Gross Domestic Product, and forecasted that the total cost requested for rehabilitation and reconstruction was 3.6 billion Euros (*Bappenas Report on Aceh*, 2006). The government realized that without support from international actors, they would not be able to rebuild Aceh (*BRR and Partners Report*, December 2005). Most Acehnese believed that the

tsunami was the catalyst that drove Aceh towards peace as the entire world directed their attention to Aceh. This disaster also changed GAM's image from the organization associated with terrorism by the hardliners in the GoI, to that of a partner in rebuilding Aceh. At that moment, Yudhoyono declared the earthquake and tsunami as a 'national disaster' and he sent a message to GAM's leaders to seize this historical moment to join and unite once more in building Aceh's future (*Waspada*, 2 January 2005).

The quick response and seriousness from the GoI after the tsunami had strengthened GAM's motivation to end the conflict and increased their optimism and trust in Yudhoyono and Kalla (Husain, 2007). Responding to this situation, GAM announced to the public that they unilaterally pledged a ceasefire. On 12 January 2005, Malik Mahmud responded to Yudhoyono to re-build Aceh together and stated that GAM was ready to meet the the GoI's representatives. He stated that it was "to ensure the success of the ceasefire and reduce the suffering of the Acehnese people" (*Tempo Magazine*, 7 January 2005). This statement was later followed by GAM's commanders in Aceh through their military spokesperson, Sofyan Dawood, who said, "God willing, I'm sure. This (tsunami) is the opportunity for us. Remember, this time the whole world is looking at Indonesia" (*Tempo Magazine*, 26 January 2005).

On 8 January 2005, in the meeting between the Crisis Management Initiative (CMI) and GAM's leaders, Ahtisaari explained that with or without GAM, the tsunami had made Aceh belong to the international community and that all attention was turned towards Aceh's recovery. If GAM refused to have a peace dialogue with the GoI, GAM would not only lose its role in the reconstruction of Aceh, but also in the international community (Ali, 2007). Furthermore, the tsunami affected the battlefield in Aceh. For GAM, the tsunami had an impact on their survival in the jungle when the logistic distributions from the coastal areas were devastated. Additionally, approximately a hundred GAM prisoners who were jailed in the coastal areas had perished. Another 2,698 security personnel from the GoI stationed in the coastal areas were killed or missing and an estimated USD 121 million worth of weapons and equipment were lost (Weizenegger, 2007). Responding to this situation, the Coordinating Ministry of Security, Law and Politics reformulated the priority of the military operation in Aceh in that the security forces should stop their attack on GAM, and instead protect the people

from GAM's interference, and TNI and the police were also ordered to support and assist in humanitarian actions (*Media Indonesia*, 26 January 2005).

The optimism of both parties was also influenced by the presence of larger groups for humanitarian action – at least 430 national and local NGOs, 124 international NGOs from 50 countries, dozens of foreign, UN and government agencies, and foreign military were participating and operating in the relief efforts (*BRR and Partners Report*, December 2005). To support the GoI in reconstructing Aceh, on 12 January 2005, 19 main donor countries in the Paris Club offered Indonesia an immediate moratorium of payment, while they considered other forms of debt relief (*Economist*, 5 February 2005). Aside from the attention paid to post-tsunami recovery, on 28 December 2004, the Secretary General of the United Nations Kofi Annan contacted HDC Director Martin Griffiths to initiate a new dialogue between the GoI and GAM, but neither party responded to the HDC. Nonetheless, this act indicated how international attention paid to Aceh had become stronger, not only affecting the post-tsunami situation but also the peace process. For the GoI, the international limelight was utilized to influence GAM to accept their peace plan. On the other hand, for GAM, the international presence in Aceh had brought GAM under international protection while the martial law status continued. Both parties realized how important international support was to not only rebuild Aceh but also to assist the peace process when the international community insisted that the GoI and GAM guarantee the safety of their international staff who worked in Aceh and take measures to protect them. As stated in the media by former US President Bill Clinton, peace was needed in Aceh for the international workers (*Waspada*, 22 February 2005).

On the other hand, allowing many international agencies to work in conflict-torn Aceh was an indicator of the high level of confidence in the Indonesian government of the support of the international community regarding the unity of the Indonesian state, and indeed, the GoI believed that international agencies would not give any political support that would influence or strengthen the position of GAM. From all the international agencies working in Aceh, only the United Nations High Commission for Refugees (UNHCR) was requested to stop operating in Aceh in March 2005, because the UNHCR mandate is not relevant in the context of Aceh since there are no political refugees in Aceh, only internally displaced persons (IDPs) due to the disaster, as stated

by the Spokesperson of the Foreign Affairs Ministry of Indonesia, Marty Natalegawa (*Tempo.Co*, 19 March 2005). In addition, it was noted by the GoI that UNHCR was actively helping the Aceh refugees to obtain political asylum in Malaysia.

5.5.4 The Negotiation and Mediation Process: Reciprocity of Optimism

The Helsinki peace talks took up a total of 24 days and five rounds, which started on 27 January and ended with the signing of the full agreement on 15 August 2005. The greatest achievement in the peace negotiation was when GAM dropped their claim for independence in the second round, and accepted special autonomy as the political solution for Aceh. This had been rejected by GAM in previous peace talks. The factor that made the GoI and GAM agree to sign the agreement for special autonomy as the basis for full settlement was the conviction held by both parties that it was the only way to end the conflict (Husain, 2007). Furthermore, the concession – making for the agreement was the result of working trust – an element of optimism – in which both parties were confident of the reciprocal effect of their mutual concessions. The optimism of the parties in the Helsinki peace talks was not a sense or feeling that merely emerged; it was processed from the motivation to end the conflict that encouraged the readiness for negotiation.

This section seeks to explain optimism, as one of the factors that made the GoI and GAM sign a full agreement, in the context of the negotiation and mediation process. Accordingly, optimism was found to be derived from four processes:

1. Working trust as the basis of negotiation;
2. Negotiation Strategy: self-government, between autonomy and independence;
3. The Mediator: directive behavior and a clear dialogue frame;
4. The Back-Channel Approach: heart-to-heart negotiation.

5.5.4.1 Trust as the Basis of Negotiation

As explained earlier, optimism should be the main sense of parties throughout the negotiation process, and concession-making is likely to be built when both parties trust each other (Kelman, 2002). Trust affects the optimism for success when one party is confident that the other party will also make concessions (Pruitt, 2005). In the literature, trust is defined as a “psychological state comprising the intention to accept vulnerability

based upon positive expectations of the intentions or behaviour of another [party]" (Rousseau et al. 1998: 395). Many scholars argue that trust could determine the result of negotiations, as stated by Lewicki and Tamlinson (2003:191), "trust reduces uncertainty over future outcomes, simplifies decision processes, and provides us with peace of mind". His analysis provides several explanations concerning the importance of trust in negotiation. First, when the respective parties believe that they can trust each other, this motivates them to negotiate and make concessions. Second, when trust has been developed by both parties, they can move forward to essential negotiations in developing the formal agreement. Third, when both parties trust one another, the "imperfections" of the agreement can be covered by the motivation for peace.

From the outset, the GoI believed that the key to the success of the negotiations was to build trust with GAM before they sat around the negotiating table. In the Helsinki peace talks, the process of building trust started long before the negotiations began, with most of the effort coming from the GoI by way of Farid Husain. Husain believed that he could be accepted by GAM as a trusted person as he was concerned about the problems faced by GAM; therefore, they believed that Husain had the capacity to solve the conflict. Husain argued that this factor was one of the reasons that made GAM agree to negotiate, and that the Helsinki peace talks were initiated due to the foundation of trust. One of Husain's approaches was to listen attentively to the disappointment of the Acehnese with the GoI and to show his empathy for them, while trying to assure GAM that the new presidency (under Yudhoyono) was markedly different from the previous one, as it had been established by direct vote through a fair election process (Husain, 2007). Husain further explained their strong motivation to end the conflict, as promised during Yudhoyono's electoral campaign. As admitted by Malik Mahmud, the trust built by Husain through personal contacts with GAM resulted in the reciprocal process for building trust, motivation and optimism for the GAM leaders (Husain, 2007: 141 - 142).

At the end we realized that Kalla had the willingness to solve the conflict in Aceh through negotiation...We felt this was serious...We felt this as a change in approach, and we saw Kalla's seriousness...We were more optimistic after Christensen confirmed that Ahtisaari was ready to mediate the negotiation. After

Kalla became Vice-President, our optimism increased and we were confident that Kalla was the right person who could bring a solution for Aceh. (Malik Mahmud. Prime Minister of GAM)

When the the GoI's delegation entered the peace talks, the trust-building process that was started during the pre-negotiation continued in the negotiation process. One of the approaches, as suggested by Kalla, was that the Indonesian negotiators committed to respecting the dignity of GAM and perceiving them as an equal party. The GAM leaders recognized a striking difference between the Helsinki peace process and the previous one, especially in the way the GoI's representatives approached them during the Helsinki peace talks, which gave them optimism for a more dignified settlement. In one interview with *Suomen Kuvalehti*, a Finnish magazine, on 7 February 2005, Malik Mahmud stated:

“This is the first time we met each other face-to-face and, frankly speaking, privately. It's really important. We feel that the Government of Indonesia seriously looks at us as friends... Indonesia now has a new government and we hope the situation is different. We believe there are people in the government who want to end the conflict”. (Husain, 2005: 75).

The statement above reflects the strong motivation and optimism from the GoI being reciprocated by GAM. According to Lewicki and Tomlinson (2003), greater trust between the GoI and GAM would affect their willingness to share information that would lead them to reach full agreement to settle the root cause of the conflict and end the fight. However, trust was not the only factor that encouraged optimism, especially from the GoI's side, as the stalemate condition of GAM had a significant impact on the negotiation process as well. Without the stalemate of GAM, the full agreement would most probably never have been signed.

5.5.4.2 Negotiation Strategy: Self-Government, between Autonomy and Independence

As explained in the section 4.2.4 dealing with pre-condition, the second peace process was a ripe moment in that GAM had acknowledged the infeasibility of winning. The stalemate of GAM was not only considered from the military aspect as the impact of a one-year military operation, but also from the failure of GAM's leaders to achieve international political support. As implicitly stated by Malik Mahmud, the Helsinki process was the last bastion for GAM leaders in case the negotiation process failed, in which case they were determined to return to Aceh and fight to the death (Husain, 2007). The stalemate condition had significantly affected GAM's orientation, which was clearly indicated when they dropped the idea of independence and accepted autonomy as the political solution for Aceh. The scaling down of GAM's goal was undisputed by the combatants and members in the field since Stockholm had persuasively shared this idea with them.

Although they were facing a stalemate, GAM entered the negotiating table in Helsinki with the proposal of a 15-year ceasefire in Aceh during which the GoI could continue developing Aceh. However, at the end of the 15-year period, the GoI should hold a referendum for the Acehnese to make up their mind about their political future, namely the option between separation from or unity with Indonesia (Abdullah, 2010). In addition, GAM offered three proposals to the GoI (Kingsbury, 2006: 36–37), which were similar to what the GoI and GAM had agreed on during the CoHA meeting:

1. End of hostilities – to establish Aceh as a peace zone where GAM and the GoI should demobilize their military forces. The peace zone must be controlled by an international power.
2. Political parties and elections – this included the release of all GAM prisoners and permission for those staying abroad to return to Aceh. At the same time, all the elements in Aceh would have the right to establish local political parties and run for election to Parliament and for the position of *Wali Nanggroe* (Head of Province/Governor). The election should be monitored by international presence.
3. Formal Acceptance – this included the request from the national parliament to legalize self-government for Aceh. Furthermore, the parliament of Aceh would draft the constitution of Aceh that must be approved by the *Wali Nanggroe* and two out of

three parliamentary members. The international community should be the guarantor of the implementation of the constitution for Aceh.

Not surprisingly, the end of hostilities programme or ceasefire was rejected by the GoI, whose focus was on a substantive solution by way of the special autonomy as a basis of negotiation. Nevertheless, the GoI's position could be understood since they believed that a ceasefire agreement would never bring about a permanent solution for Aceh unless the substantive problems were solved.

Henceforth, GAM moved and proposed the self-government as the frame of negotiation to replace the term of special autonomy. This term was accepted by the GoI based on the reason that self-government is similar to special autonomy. The term self-government was proposed by GAM's advisor, Damien Kingsbury, who argued that special autonomy implied a status quo and that GAM should have preferred the term of self-government to replace the special autonomy (*Suara Pembaharuan*, 23 February 2005). GAM assumed that self-government did not only give a broader sovereignty but also internally impressed that Aceh would have its own government (Abdullah, 2010). The term of self-government was also a way out and covered the middle ground between "autonomy" and "independence" since GAM leaders did not want to lose face when they accepted the GoI's proposal on autonomy, while at the same time, the leaders reneged on their promise that "independence was just around the corner" or that "independence was just a cigarette away" (*sibak rukok teuk ka meurdeka*); after all, they had often claimed that their struggle was supported by 31 countries in the world (interview with Ismail Syahputra, GAM spokesperson, in North Aceh, 2010).

Although GAM's position indicated that they had taken away the assertion for independence from the negotiating table, GAM leaders gave a different explanation to the public in their statement on 23 and 25 February 2005, namely that GAM had never aborted the demand for independence in the Helsinki MoU, but that it was just not brought up at the negotiating table as a response to the humanitarian crisis in Aceh (Abdullah, 2010). Furthermore, GAM mentioned that both parties should agree to a compromise prior to the commencement of the dialogue because the negotiation was needed to create a peaceful space for humanitarian action. Nevertheless, in the third round of peace talks, 12 April 2005, Malik Mahmud stated clearly that GAM would not

talk about independence and would prefer to discuss self-government instead (Awaludin, 2008).

In fact, the term of self-government proposed by GAM did not change the scope of the special autonomy that was proposed by the GoI, including Aceh's sovereignty in domestic matters except foreign affairs, external defence, national security and fiscal matters. Even though the concept of self-government itself was a part of autonomy, autonomy is broader – should it be a house, then self-government would be one of the rooms within it, according to Augusto Willemsen Diaz.¹²

After the second round, GAM further focused on self-government, which included local political parties, the recognition of Acehese symbols such as a flag, granting passports to residents, and the protection of Aceh's special rights from legislative erosion (Awaludin, 2008). Among the various issues, security and politics almost brought the peace talks to a deadlock. GAM proposed that 4,000 government troops remain in Aceh because, according to them, in provinces bigger than Aceh, the number was less than 6,000, whilst the Indonesian delegation proposed 25,000 troops (Djuli, 2007). At the end, both parties accepted the proposal by the mediator that the number of troops to remain in Aceh would be 9,200 police officers and 14,700 TNI. Another issue was the establishment of local political parties. GAM insisted that one of the substances of self-government was to allow Aceh to have its own political parties and that this proposal was non-negotiable. For GAM, the local political parties could be an alternative to armed struggle in that they could be the channels for GAM and the Acehese as a means for articulation in the political system.

Local political parties were a crucial issue inasmuch as the GoI negotiator reacted strongly, and argued that establishing local political parties would later strengthen separatism (such as in the Basque region and Quebec), and that GAM could twist back to its ideological struggle for independence (*Serambi Indonesia*, 29 July 2005). The GoI then offered a compromise that GAM leaders would have the opportunity to run for election through existing political parties and Kalla obtained commitment from nine existing major parties to accommodate GAM as a candidate in the upcoming local elections (Awaludin, 2008). GAM, however, rejected this offer and

¹²The statement was made by Augusto Willemsen Diaz at the morning session of 28 September 1991. Because of Diaz's opinion, the term autonomy was added next to the word self-government in all relevant provisions of the Conclusions and Recommendations of the Meeting.

argued that the local political parties would not only reflect their interests but also the democratization in Aceh (*GAM statement*, 15 July 2005). Finally, after a discussion in the last round, the GoI and GAM agreed to having local political parties with national characteristics; in other words, the local political parties must follow the same rules of the game as the national ones.

Aside from establishing local political parties, most of GAM's demands were easily accepted by Indonesia's negotiators. Their head, Awaludin, said that in practice, GAM's demands for self-government had been applied since 1999 through Act 44/1999 on the Implementation of the Special Province of Aceh, subsequently revised in Act 18/2001 on the Special Autonomy for Aceh. Thus, at the time, referring to regional autonomy in which self-government meant regional empowerment applied at the district level, beyond what had been demanded by GAM, which focused on the provincial level (Awaludin, 2008). For the GoI negotiators, a discussion on the basis of self-government or the special autonomy made the negotiation process easier since the Law of Local Government (*Undang-undang Pemerintahan Daerah*) had improved the function and authority of local government. In general, the GoI's negotiators easily agreed to GAM's demands because most of them had already been accommodated in the Law concerning Local Government (18/2001), which included customary law and traditional structure, natural resources and revenue sharing, the *Wali Nangroe* Institution, regional symbols and emblems to reflect the privileges and specificity of Aceh, and Islamic Law.

GAM focused on Act 18/2001 concerning the Special Autonomy, as the basis of a political solution that was proposed by the GoI during the CoHA in 2002 (Awaludin, 2008). However, GAM missed the changes and improvements made in the model of autonomy in Indonesia since 2003. In addition, the GAM leaders also lacked understanding of the concept of autonomy; one of GAM's negotiators acknowledged that they did not have enough time to learn about autonomy or self-government and associated matters (Abdullah, 2010). There was no legal expert who fully understood the amendment of Indonesia's constitutional law inside the GAM delegation since their legal expert, Sofyan Ibrahim Tiba, had been one of the victims in prison when the tsunami devastated Aceh in 2004. The lack of capacity concerning the substance of the models of autonomy meant that the GAM negotiators only focused on the term of self-

government while the content of self-government remained similar to that of special autonomy.

The capacity of GAM in the negotiation process pertaining to the basis of autonomy was different from the Indonesian negotiators who were more prepared and well-informed concerning the key issue of the peace talks, which was that of special autonomy. In fact, Awaludin himself was the Minister of Justice and Human Rights of Indonesia and a Doctor of Law who fully understood the legal aspects. The Indonesian team studied all of the subjects related to the topics in the Helsinki MoU including the legal aspects. When self-government was proposed by GAM, the Indonesian negotiators studied Act 18/2001 concerning the Special Autonomy for Aceh and came to the conclusion that the self-government proposed by GAM was similar to that of special autonomy, which covered special sovereignty for Aceh in respect of the economic sector, Islamic law, security and justice (Ali, 2008).

However, the gap in capacity between the GoI and GAM negotiators caused it to become less dynamic in bargaining, and as a consequence, optimism and trust had led both parties to make concessions more easily from round to round of the negotiations. Trust had opened the opportunity for direct negotiation, which was classified as a principle of negotiation. Scholars such as Pruitt (1986), Fisher, Ury and Patton (1991), consider this strategy as a “problem-solving workshop”, “integrative bargaining”, “interest-based bargaining” or even “win-win bargaining”. It enabled the GoI and GAM to find similar basic interests to explore the substance of each goal that could be used to develop a mutually agreeable solution. When the GAM leaders agreed to drop their struggle for independence and accept the special autonomy under the new term “self-government”, the GoI also agreed to accommodate GAM’s political interests through local political parties, as long as the GAM proposal did not go against the constitution (Awaludin, 2008).

5.5.4.3 The Mediator: Directive Behavior and a Clear Dialogue Frame

The role of the mediator of the Helsinki peace talks, Martti Ahtisaari, was important. Ahtisaari entered the negotiating table with a clear agenda, and from the very outset, he clearly informed both parties about the frame of the peace talks. For Ahtisaari, it was important that the parties fully understood what they would like to negotiate in Helsinki,

and relate this to the agenda of the peace talks. In the first invitation letter, he explained explicitly that the peace talks would be based on the framework of the special autonomy, which included as listed by Awaludin (2008: 72):

- Amnesty and GAM participation in politics;
- GAM integration into society and participation in post-tsunami reconstruction activities;
- Security guarantee for GAM members who return to society;
- Termination of civil-emergency status and cessation of military operations;
- Involvement of a third party to monitor the implementation of the peace agreement when it was agreed;
- Respect for democracy and human rights;
- The agreed time frame for the implementation of the agreement.

As an experienced mediator in Namibia, Yugoslavia, South Africa and Northern Ireland, and having been the former President of Finland, Ahtisaari had high credibility and the proper leverage to effectively manage the peace talks between the GoI and GAM, and to ensure realistic discussions and open-minded concessions. The GoI and GAM were aware of Ahtisaari's reputation and commitment to peace, which increased their respect and desire to find a mutually agreeable solution rather than to obtain victory at the negotiating table. The most important event was when Ahtisaari requested that GAM must drop any reference to independence or a referendum at the negotiating table and that these topics were not to be negotiated at any stage in the peace talks. He often spoke firmly and was even considered to be rude by the negotiators (Husain, 2006). Despite this unequivocal stance, it helped the GoI and GAM create "interest-based bargaining". There was a time when Ahtisaari expelled a GAM negotiator from the meeting room and refused their return if they continued to talk about independence. He promised that GAM would never achieve their dream because he would use all his strength to influence Europe and the world to oppose their struggle for independence (Awaludin, 2008). His assertiveness to keep the negotiation process on track indicated his optimism that the special autonomy could be the instrument for conflict resolution, which was also the reason he agreed to mediate the peace talks (Husain, 2007).

With a clear agenda including the scope of negotiation, the CMI initially targeted that the negotiation would be conducted until July, and that with or without any

result, the negotiation should finish. One cannot negotiate forever, said the CMI spokesperson, Maria-Elena Cowell (2005), and with the limited time and funds available, it is expected that eagerness will be generated from both parties to reach a compromise. Furthermore, to avoid the negotiation process from public polemics in the media that come from outside the negotiating table (as had happened during the CoHA), Ahtisaari requested discipline from both parties, along with the assurance that they would not make any press statement before anything was agreed upon. He argued that the media could sometimes disrupt the process by creating news that could affect the public or put pressure on the negotiators. His concept for the negotiation process was “nothing is agreed before everything is agreed”, which meant that neither of the conflicting parties could claim any victory during the peace process, and, that agreement would not be published until both parties had signed.¹³ In other words, this principle also required conflicting parties to negotiate for a comprehensive agreement on the final political settlement rather than on small issues with temporary solutions.

Ahtisaari combined a formal and informal negotiation approach, in which both parties sometimes talked directly to each other without a mediator present to provide space for them to discuss matters based on common interests and willingness. To him, the ownership of the peace process belonged to the GoI and GAM, and not to the mediator – “if you can make yourself useless and unnecessary in a peace process, that’s the best thing you can do” (Ahtisaari, 2006). When both parties faced any deadlock situations, his team would approach the GoI and GAM and talk to them informally until similar perceptions were reached. He managed to avoid deadlock when both parties got stuck with the terms of special autonomy or self-government, by proposing a third term that combined both, namely “self-government within Indonesia”.

As the former President of Finland, Ahtisaari had good connections in Brussels to involve the EU to support the peace process in Aceh. In the last round of peace talks, the EU participated as the observer and later the GoI and GAM agreed to invite the EU with ASEAN to monitor the implementation of the agreement. One of the observers who participated in the last meeting was General Peter Feith from the Netherlands, who was later assigned as the Head of the Monitoring Mission in Aceh. Ahtisaari realized that the role of the third party as the guarantor was crucial since previous peace

¹³ This principle was first announced in Helsinki, in January 2005.

processes had failed due to the lack of credibility from the HDC as the guarantor of the agreement. He stated that an NGO should not monitor the peace agreement, but he also understood that the UN involvement in the case of Aceh was very sensitive since the government did not want Aceh to become another East Timor (*Accord*, 2008). He believed that the EU, as a great actor in world politics, could contribute to the implementation in Aceh, and that neither of the parties (and least of all the GoI as the state actor) would violate the agreement because of the need for foreign investment and its international reputation (Merikallio, 2006: 56).

One of the EU's bases as the guarantor in the DDR process, as stated in European Security Strategy, was that the EU "has a political and moral responsibility to act to avoid the human suffering and the destruction of resources caused by violent conflicts". In its 2003 European Security Strategy, it identified the need to address the challenges of regional conflict and failed state. Another basis that supported the CMI was Council Regulation No. 381/2001 concerning the Rapid Reaction Mechanism (RRM). The European Commission then allocated 4 million Euros under the RRM budget to support the disarmament, demobilization and reintegration (DDR) process in Aceh, and to help former GAM members reintegrate into civilian life. Even so, the strong motive that prompted the EU member states to be involved in Aceh was the "tsunami effect" rather than any other issues, because the conflict in Aceh was of minor importance for the EU (Herrberg et al, 2009). To support the mission of the DDR process, the EU allocated 9 million Euros from its budget and 6 million Euros from EU member states and participating countries. To make the DDR process more effective, Ahtisaari invited military experts to design the mechanism of the DDR process in Aceh.

However, Ahtisaari understood that there are bound to be potential spoilers in every peace process and so he always tried to anticipate or respond quickly. During the third peace round, he received a report from GAM about the escalating abuse of human rights by Indonesian soldiers. After clarifying the report, he met President Yudhoyono in Jakarta in May 2005 and told him to get rid of the worst offenders, and to punish or at least transfer them (Morfit, 2006). Yudhoyono, who was committed to the peace process, listened attentively to Ahtisaari's report and understood that this situation could affect the peace prospects. Yudhoyono was to prove his willingness not only at the

negotiating table, but also outside, and he decided to reduce the number of the hardliners inside TNI.

During the mediation process, Ahtisaari played an active role in encouraging the GoI and GAM to make concessions. He often explicitly pressurized one or both parties to focus on the agenda that was agreed upon, and sometimes even reprimanded the parties strongly for changing their attitude and behavior. He used the tactic of offering self-government within Indonesia as a mutual solution that pushed the GoI and GAM towards flexibility in respect of local political parties. The ‘directive behavior’ strategy applied by Ahtisaari was to change the parties’ perceptions of cost, benefit, and consequence.

5.5.4.4 Back-Channel Approach: Heart-To-Heart Negotiation

Another important factor that contributed to the optimism for successful negotiation was the back-channel approach that occurred during the Helsinki peace talks, either between Farid Husain and the GAM commanders in the field or between Juha Christensen and GAM leaders. Based on the previous peace process, Yudhoyono and Kalla initially advocated that the peace process should be addressed on three fronts – Jakarta, Aceh and Helsinki – as success in Helsinki and Aceh did not necessarily mean success in Jakarta since the meaning of “success” sometimes differed between the GAM leaders and the hardliners in the GoI (Djalal, 2006: 93). In order to strengthen the peace talks in Helsinki, Yudhoyono and Kalla believed that they should talk to people who could determine the outcome of the negotiations (Husain, 2007), including approaching and communicating with GAM’s commanders on the battlefield, Muslim religious leaders (*ulama*), as well as formal and informal leaders. Through Farid Husain, the GoI wanted to gain support for the peace talks in Helsinki whilst collecting input from people on the ground. A similar role was played by Christensen who travelled to Indonesia on the side-lines of the peace talks, visited GAM and SIRA prisoners in Java, and talked to prominent leaders and NGO activists in Aceh. During these back-channel communications, Christensen and Husain explained the progress of the negotiation process and showed their optimism for successful negotiations to encourage the people.

Besides meeting with these people, Kalla requested that Husain and Christensen arrange a meeting in Jakarta with the GAM advisor Damien Kingsbury, an Australian scholar who was concerned about the politics in Indonesia. Since the peace talks started, Indonesia's delegation perceived that Kingsbury played an important role for GAM in that his input often influenced their views at the negotiating table. Ahtisaari held a similar perception as he stated that the advisor was often more orthodox than the negotiators themselves – “holier than the Pope” (Merikallio, 2006). However, Kingsbury's significant input was self-government, which was used as the basis to replace the term of special autonomy. The meeting between Kalla and Kingsbury was conducted on 22 March 2005 at the Vice President's residence. During the meeting, they discussed alternative solutions for Aceh and both agreed to find a dignified solution so that no party would lose face (Husain, 2007).

Aside from the formal meetings, Awaludin and Husain frequently communicated with Malik Mahmud and Zaini Abdullah to convey their friendly intentions, which could not be expressed around the negotiating table. The informal communication between the two leading negotiators was effective in building a common understanding between the interests of the GoI and GAM, and more importantly, to clarify some critical points that had arisen during the formal peace talks. Kalla believed that during the peace talks both parties had emotional arguments, and that this situation needed an informal or friendly approach to cool down the tension (Awaludin, 2008). There were critical moments when a few issues were negotiated outside of the negotiating table. As quoted by Christensen in “To See the Unseen” (2007: 66):

“When the negotiation faced a dead end, Farid Husain could solve it. In the negotiation process, there is always an official agenda and an unofficial agenda. Farid Husain and I became persons who acted as icebreakers or fixers. Farid Husain and I were always thinking one-step ahead. So the process towards peace could be continued”. (Christensen, 2007: 66)

Husain and Christensen were the key communicators during the back-channel meetings. Since the second round, every time the peace talks faced thorny issues,

Husain would invite Malik Mahmud and Zaini Abdullah for dinner and they would discuss the issues, make clarifications and try to see eye to eye about various issues, to reach a mutual understanding concerning the special autonomy, self-government, or local political parties. Husain actively observed the moments that might potentially cause failure in the formal negotiation and anticipated them through personal approaches made outside of the negotiating table. His experience during the pre-negotiation phase, in which he managed to approach important people related to GAM leaders, enabled Malik Mahmud to trust him. Husain was able to build personal connections with GAM. As stated by Ahtisaari, the negotiation needed people like Husain and Christensen to do what they do (Husain, 2007) and both of them have saved the negotiation from a dead end as reported by *The Jakarta Post* (9 August 2005):

“The final test for Farid Husain was to act as a trouble-shooter to save what could be a historic deal. As the talks were almost deadlocked on 15 July, he disappeared from the ambassador’s house where the delegates rested or were chatting with journalists. It turned out he had gone to the city to meet a GAM representative. The next day, the party had an accord”. (*The Jakarta Post*, 9 August 2005)

Malik Mahmud also admitted the importance of the back-channel meetings that had enabled the negotiation process to proceed (Husain, 2007) and increased the optimism of all parties involved in the process. As explained earlier, the “track two” personal diplomacy by Husain and Christensen had started one and a half years before the formal talks began and their personal connection had aided both parties to express their interests and positions outside of the negotiating table.

5.6 Conclusion

The readiness theory states that the perception of ripeness influences the readiness for negotiation, but that the perception is worthless without motivation and optimism from the conflicting parties. The perception of conflict is that a stalemate will initiate the motivation of the parties for dialogue. From the two peace processes in Aceh, this current research found that the Helsinki MoU was riper since the motivation and

optimism from both the GoI and GAM were stronger compared to the previous peace process. The Helsinki peace process succeeded in transferring motivation into optimism for both parties to find a mutual solution. Since the peace process started, the GoI was more motivated than the GAM leaders, who only came to Helsinki out of respect for Ahtisaari's invitation (Djuli, 2012). The GoI's motivation then became the key element to start negotiations, which was reciprocated by GAM. In contrast, the first peace process by the CoHA lacked preparation and failed to build trust as one of the important elements for improving the optimism of the parties for a successful negotiation. Later, these were the key factors that made both parties agree to sign a full settlement in Helsinki in 2005.

Optimism and trust were products from the processes of precondition both in the CoHA and Helsinki process and they were shaped in the pre-negotiation process. The optimism of the GoI and GAM was influenced by the existing condition, domestic political setting as well as the international trend. It was found that there was close causality between these conditions and factors that cultivated motivation and optimism from both parties in the peace talks, which determined the outcome of the peace process. Moreover, the characteristics of the third party became an important factor that affected the effectiveness of the peace talks in that Ahtisaari succeeded in bringing optimism to both parties through his status as the former president by using his leverage to put pressure on the GoI and GAM to reach peace rather than victory. The characteristics of his approach contrasted with those of the HDC (the new NGO without any experience or leverage to pressure both parties), which was compounded by their lack of trust and optimism.

Besides the factors above, the Helsinki process was also well prepared for by the GoI, especially during the pre-negotiation process when the GoI sent a very strong reconciliatory signal to the GAM leaders. They encouraged GAM to begin negotiations with the political process that would transform GAM's goal for independence to a cooperative solution. Kalla as "the team leader of field operations" identified the main problem of GAM and designed the negotiation process based on a cooperative agreement (Husain, 2007). The GoI also attracted GAM through several approaches, which included the perception of change in redefining GAM as a partner for peace

rather than an enemy and showed commitment through a willingness to negotiate a peaceful solution for Aceh.

This thesis further discovered that the conditions of the parties that affected their perception of readiness before the peace talks started had contributed to the success of negotiation. In the Helsinki peace talks, the tsunami had increased the motivation and optimism of both parties and attracted support from international actors. The previous peace process, however, did not have any particular event to strengthen the optimism of either party. Instead, the “economic disaster” that subjected Indonesia to a multidimensional crisis had enhanced GAM’s motivation to break free from Indonesia, which directly affected their optimism in the peace talks. Nevertheless, the failure of the CoHA also contributed to the Helsinki peace talks when the GoI insisted that the negotiation should focus on conflict resolution rather than a ceasefire agreement since the previous one had been unable to bring both parties together for a substantive dialogue. Both parties learned that once the motivation to end the conflict and optimism for successful negotiation had improved, they were both ready to focus on interest-based bargaining rather than positional bargaining, as had been practised in the CoHA process.

CHAPTER 6

THE OUTCOME OF THE AGREEMENT

6.1 Introduction

This chapter examines the outcome of the agreement that focused on the implementation of the Memorandum of Understanding (MoU) in Helsinki and the CoHA. As mentioned earlier in Chapters 4 and 5, to assess the success of the negotiation outcome and durability of peace, the issue of whether or not the agreement was actually effective in reducing violence and resolving the conflict will be considered. The effectiveness of reducing violence could be measured by *first*, the success of the disarmament-demobilization and reintegration (DDR) process that included the number of incidents and casualties; *second*, the commitment of both parties to implement the agreement; *third*, the length of time an agreement lasts; *fourth*, the implementation and adherence to the agreement by the parties involved; and *fifth*, the improvement in trust building by both parties.

This chapter examines the last research question concerning the reasons why the CoHA had failed, while the Helsinki MoU was able to yield a successful outcome and create durable peace. This question can be resolved by looking at the readiness theory that mainly explains that the durability of an agreement is affected by the condition of whether the factors that produced the motive to end the conflict continue after the agreement is signed, and whether the optimism for the utility of the peace agreement is managed by both parties. Furthermore, motivation and optimism are explained in two phases: conflict management and conflict resolution. The conflict management provisions focus on the ceasefire or security arrangement, which includes demobilization, decommissioning and reintegration (DDR). On the other hand, the conflict resolution provisions mainly focus on political transformation, which includes elections and establishment of new laws. Conflict management is crucial because it forms the basis for conflict resolution. The motivation to end the conflict can be reflected in the way the DDR process was implemented. The success of the DDR process impacted on the parties' optimism to reach a permanent solution in the conflict resolution phase. However, the motivation and optimism must be addressed according

to the existing political environment in which the parties should consolidate support to make the peace durable.

To organize the answer to the research question, motivation and optimism are explained according to four scopes of analysis: *first*, the mechanism within the agreement that includes the DDR process and the role of the third-party guarantor; *second*, the political process in implementing the CoHA and the Helsinki MoU; *third*, the domestic political condition; and *fourth*, the post-agreement condition. In each scope of the analysis, the CoHA and the Helsinki MoU are compared.

6.2 Mechanism within the Agreement and the Party Guarantor

Some scholars (Fortna, 2003; Hartzel, 1999) have stated that a fine peace agreement should provide deadlines and guidelines that include structural provision that determine what is to be achieved and the procedural provision, which further determines how peace is to be durable because without a proper mechanism within the agreement, peace would be impossible to reach. Fortna (2002: 213) argues that the mechanism within an agreement “can affect the durable peace more likely by changing the incentives to break a ceasefire, by reducing uncertainty about actions and intentions, and by preventing accidental violations from triggering another round of fighting. If this argument is correct, the content of ceasefire agreements should affect whether peace lasts. Individually and collectively, these measures should be associated with more durable peace, all else equal”.

6.2.1 CoHA: The Failure to Build Commitment, an Unclear Mechanism and the Weaknesses of the Third-Party Guarantor

The failure of the security arrangements had started since the peace process in 2000, as indicated by the continuing violence and human rights violations and the internal refugee (IDP) problem. Between 1999 and 2003, most of the perpetrators of violence were called *Orang Tak Dikenal* (OTK), or ‘the unknown perpetrators’. This title indicated the weakness of the agreement to stop the conflict and protect people. Many human rights violations reports received by the NGOs and media showed that the so-called ‘OTK’ gave impunity to the actors committing violence in Aceh. Deeper investigations carried out by humanitarian activists and NGOs stated that victims or

people actually knew who the violators were, but remained silent to ensure their safety. Although they could identify the perpetrators of violence, there was no guarantee that justice or sanctions would be enforced from the security committee at the negotiating table.

Table 6.1 Data on human rights violations during the peace talks
(Source: Coalition Of Human Rights NGOs, Aceh, 2001)

Cases	Humanitarian Pause I	Humanitarian Pause II	Moratorium
Armed clashes	17	57	4
Killings	47	211	36
Mistreatment	56	480	116
Arrests	25	340	27
Sexual assault	-	2	-
Burnt houses/shops	516	516	184

Negotiation phases

Humanitarian Pause I: 2 June 2000 – 2 September 2000

Humanitarian Pause II: 15 September 2000 – 15 January 2001

Moratorium: 15 January 2001 – 15 February 2001

The peace process became more difficult after President Abdurrahman Wahid issued Presidential Instruction Number 4 in April 2001 to handle the crisis in Aceh. The presidential instruction formed a comprehensive approach towards resolving the problem in Aceh, encompassing the economic, political, cultural, social, peace and legal sectors. Although the instruction gave support to steps to be taken to resolve the problem through dialogue, the implementation of this instruction was through a strengthened security approach – *Operasi Keamanan dan Pemulihan Hukum* (OKPH), or the Security and Law Enforcement Operation.

The GoI's policy, which combined the dialogue and the security approach, was strongly rejected by the Acehnese and GAM who perceived it to be inconsistent with the commitment to settle problems peacefully (*Serambi Indonesia*, 25 April 2001). In

July 2001, the regional police, under the authority of OKPH, arrested five GAM negotiators in front of HDC personnel. The five negotiators were charged with subversion. The security force action was very bizarre indeed from the viewpoint of the ethics of diplomacy. In November 2012, the Presidential Instruction was revised by Presidential Instruction Number 7 that focused more on the security approach, including law enforcement. However, the law enforcement that was embedded in the OKPH did not change the situation in that numerous cases of violence towards the people continued without any state protection.

Table 6.2 Human rights violations after Presidential Instruction No. IV/2001 (2001–2002) (Source: Coalition of Human Rights NGOs, Aceh)

District	Killings	Arrests	Abductions	Torture	Violence against women	Total
East Aceh	60	13	10	116	15	214
North Aceh	120	48	10	51	-	229
West Aceh	31	19	1	17	-	68
Central Aceh	214	-	16	18	-	248
South Aceh	53	36	4	14	-	107
Pidie	68	73	10	39	-	190
Greater Aceh	46	47	2	12	-	107
Total	592	236	53	267	15	1163

The escalating conflict and violence reflected the lack of motivation and optimism from both sides concerning the agreement implementation. The implementation of military operation while the peace talks were still taking place indicated that the GoI was not optimistic about what had been agreed at the negotiating table, and neither was GAM as it was reported that they kept on consolidating and strengthening their military capacity. Under these conditions, the CoHA that was signed on 9 December 2002 had the objectives as written in Article 1, Objectives of the Cessation of Hostilities and All Acts of Violence:

1. To proceed to the next phase of the peace process, as mutually agreed on 10 May 2002 in Switzerland;
2. To continue the confidence-building process with a view to eliminating all kinds of suspicion and creating a positive and cooperative atmosphere, which will bring the conflict in Aceh to a peaceful conclusion;
3. To enable provisions to end hostilities, and cease all acts of violence for the peace process to proceed to the next phase, i.e. the delivery of humanitarian, rehabilitation and reconstruction assistance.

Regarding the process of demilitarization, article 3 of the CoHA stated: "... (b-vii) to design and implement a mutually agreed process upon demilitarization." Regarding this last task, the Joint Security Committee (JSC) will designate what will be called Peace Zones. After these particular zones have been identified, GAM will designate placement sites for its weapons. Two months after the signing of the COH and as confidence grows, GAM will begin the phased placement of its weapons, arms and ordinance on the designated sites. The JSC will also decide on a simultaneous phased relocation of TNI forces which will reformulate their mandate from a strike force to a defensive force...".

However, as in the ceasefire agreement, the CoHA failed to implement security arrangements, which included the cessation of hostilities and ceasefire, identification of the demilitarization zone, relocation for TNI, disarmament of GAM, and reformulation of the Special Police Force (BRIMOB) to regular policemen. In addition, this agreement further strengthened the distrust of both parties since each of them interpreted the CoHA based on their own interests. When the peace zone was to be implemented, the GoI and GAM had a different interpretation of the meaning of "peace zone" that stated "...to separate the forces of both parties with sufficient distance to avoid contact or confrontation. Forces of both parties will refrain from operations, movements, activities or any provocative acts that could lead to contact or confrontation with each other" (Article 4.b). GAM interpreted 'peace zone' as a zone without military presence or special police force (BRIMOB), because in the eyes of GAM and the common villagers, the presence of the military or special police forces could create an atmosphere of intimidation for people. Nevertheless, the GoI argued for the presence of military

personnel in the peace zone to protect the people from GAM or other criminal actors who were committing acts of extortion or other forms of intimidation.

The CoHA only succeeded in decreasing the violence in the first two months after it was signed. The HDC reported that between December 2002 and March 2003 (prior to the agreement) the average number of civilians killed per month had dropped to 12 compared to 87, only 9 members of GAM were killed compared to 102 per month, and only 4 TNI/POLRI members were killed compared to 45 per month. However, the number of acts of violence increased and continued in the following months, and according to a TNI source, 50 people were reported to have been killed in the first three weeks of April 2003 (*Serambi Indonesia*, 13 April 2003). The local NGO Coalition for Human Rights reported (2004) that during the CoHA period, 1,311 agreement violation cases were reported, which included murder, torture, kidnapping, extortion, and other impunity cases.

The lack of a clear mechanism and/or specific guidance for investigation or punishment was found in the security articles without any clear procedure for the way disarmament and demobilization would be conducted. The HDC (as the third party guarantor, together with the GoI and GAM) never resolved or outlined the disarmament mechanism. In many cases, the disarmament procedure should be discussed during the negotiation process, and it was too risky to be implemented without a common understanding or commitment from the conflicting parties. GAM avoided storing their weapons under TNI control and TNI responded by not relocating their troops as agreed in the CoHA (Tiba, 2003). Even the HDC and the monitoring team of the Joint Security Council did not have a baseline figure concerning how many of GAM's weapons must be stored, and what would happen to the weapons after they had been stored. In January 2003, General Ryamizard Ryacudu, the Chief of Staff of the Indonesian Army, claimed that GAM utilized the agreement to consolidate and increase their combatants from 3,000 to 5,000 while acquiring new arms, which increased their weapons from 1,800 to 2,100 which included M-16s, AKs and RPG-7s (*Serambi Indonesia*, 3 January 2003). Malik Mahmud stated that more than USD 10 million had been spent by GAM on weapons, and in addition, GAM spokesperson Sofyan Dawood argued that the weapons had been used to protect the Acehnese (*Serambi Indonesia*, 8 November 2002). TNI then reacted by increasing three organic infantry battalions in Aceh from 600–650 to

1,000 soldiers (*Serambi Indonesia*, 3 January 2003). In mid-April 2003, Major General Djalil Yusuf, The Chief Commander for Aceh, or *Panglima Komando Daerah Militer Iskandar Muda* (KODAM) in Aceh, revealed that the number of TNI troops in Aceh had been increased to 26,000 (*Kompas*, 5 April 2003).

Aside from the improved military capacity, TNI argued that the peace process was used by GAM to strengthen their political position and establish a shadow government that covered the hierarchy from the governor level down to the village level and that they ruled as the local administration. To support their activities, GAM collected funds through extortion, also referred to as *pajak nanggroe* (tax treatment). The Acehnese people and the business sector in Aceh were targeted for this *pajak nanggroe*. TNI and the police reported that GAM extorted through intimidation or terror and that since 2000, GAM had been reported to have collected 20% from the allocation for development funds of the villages in Aceh, and that during the Humanitarian Pause, GAM had taken 50–75% from aid programmes. Furthermore, during the CoHA, GAM had ‘taxed’ 15–30% from international NGOs that worked in Aceh and collected IDR 35 million from villagers to buy weapons (Schulze, 2004: 65).

Escalating tension between TNI and GAM had destroyed all the trust that had been built since the CoHA was signed, and wrecked the plan for the first placement of weapons that had been planned for early April 2003 (*HDC Internal Review*, 2003). During the implementation of the CoHA, the DDR processes, as the basis of the peace transition, were not fully implemented.

Table 6.3 Summary of the CoHA after five months of implementation
(Based on ELSAM: Briefing Paper No 2, dated 3 April 2003)

Commitment	Responsible party	Outcome
<p>To cease the hostilities and all forms of violence directed against each other and civilians in Aceh.</p> <p>To control their respective forces on the ground, both TNI/POLRI and GAM.</p> <p>To control the groups that did not share their objectives but claimed to</p>	<p>Indonesian Military Chief</p> <p>GAM Commander</p>	<p>In January 2003, the media reported complaints from the business sector, including store owners, travel agents and contractors, about extortion by GAM and TNI/POLRI at checkpoint posts along the way from Banda Aceh to Medan.</p>

be part of their forces.		
To guarantee that neither party would increase their military strength, which included redeployment of forces, increase in military personnel or military equipment into Aceh.	The GoI including TNI and POLRI and GAM Commander	<p>There is a report about rolling of TNI in Aceh when the existence of the new troops was not balanced by withdrawing the previous troops.</p> <p>Another report stated that GAM had smuggled weapons into Aceh and added to the number of combatants.</p>
To reformulate the mandate and mission of the Mobil Brigade of the Indonesian Police, called BRIMOB.	The GoI and Indonesian Police Headquarters	<p>Aceh Regional Police or <i>Kepolisian Daerah Aceh</i> argued that they were not informed yet about this provision. The estimated amount of the BRIMOB was 12,000 personnel in Aceh.</p> <p>It was reported that GAM had shot three BRIMOB personnel in Simpang Leubue Cot, Kuta Makmur, Bireuen.</p>
Both parties would allow civil society to express their democratic rights freely.	<p>The GoI including TNI and POLRI</p> <p>GAM and GAM Commander</p>	<p>Acts of intimidation and terror perpetrated against civilian society were still reported by human rights NGOs.</p> <p>The peace rally held by the activists was forcibly disbanded by BRIMOB on 9 January 2003 resulting in four casualties</p>
The forces of both parties would refrain from operations, movements, activities or any provocative acts that could lead to contact or confrontation with each other.	<p>The GoI including TNI and the POLRI</p> <p>GAM and GAM Commander</p>	<p>Both parties were still performing operations, including sweeping.</p> <p>KODAM Iskandar Muda trained three battalions of his troops.</p> <p>GAM inaugurated the new Commanders</p>

Relocation of the TNI forces, which would reformulate their mandate from an offensive to a defensive position, while GAM would start the phased placement of its weapons, arms and ordinance.	The GoI including TNI and the POLRI GAM and GAM Commander	TNI was still at the level of formulating the concept of relocation of troops. Meanwhile, the armed conflicts continued, for instance in the Sub-districts of Trumon, South Aceh, on 16 February 2003. The impact was that both parties refused to implement the agreement and accused the other party of not committing to the CoHA.
To identify demilitarized zones, such as schools, mosques, health institutions and public places, bazaars, market-places, food stalls, communication centres, including bus terminals, taxi-stations (taxicab stands), ferry terminals, public roads, river transportation services and fishing ports.	Not specified	The TNI/BRIMOB posts were still established in some of the designated peace zones.
To design and implement the process of demilitarization.	The GoI including the TNI and the POLRI GAM and GAM Commander	The demilitarization process should have been launched since 11 February 2003, but it was never implemented. The mechanism offered by the JSC was rejected by both parties.

6.2.2 The Weaknesses of the Third-Party Guarantor

Besides the lack of motivation from conflicting parties to end the conflict and the lack of clarity concerning the mechanism for implementing the agreement, the failure of the CoHA was also due the weakness of the JSC, which had no strong mandate to monitor and facilitate a dispute settlement mechanism when the agreement was violated by the parties. In practice, the JSC was almost fully dependent on the willingness of the GoI and had no authority to take a decision if one party (the GoI or GAM) rejected the decision with a “veto system”. To keep conflicting parties involved in the process, the HDC made an ‘equilibrating (balancing) policy’ in writing verification reports. The reports tried not to accuse one party concerning their acts but the HDC and its team used persuasive approaches to change the attitudes of the parties in the field (HDC Internal Review, 2003). As a consequence, the JSC and HDC lost trust and respect from the GoI

and GAM that perceived the JSC as ineffective, irresolute, biased and disrespectful. On 14 April 2003, Amien Rais, as Head of the People's Consultative Assembly, stated that the HDC was just a small "pea-sized" (*ecek-ecek* in Indonesian) NGO and suggested that the government leave them since the HDC had no capacity to be a mediator (*Serambi Indonesia*, 18 May 2003).

The lack of understanding from the international team of the local situation, lack of coordination with other institutions, language problems and limited representations of international observers had affected the effectiveness of the JSC in the field. The passive monitoring approach made it awkward for the JSC to respond to violations of the agreement, and disappointed many people. The credibility and neutrality of JSC personnel who came from ASEAN countries were also criticized by GAM, who argued that the concept of non-intervention among ASEAN countries meant that the military personnel from ASEAN could not work objectively because some countries, for instance the Philippines and Thailand, had also experienced unresolved separatist problems (*Serambi Indonesia*, 3 February 2003).

In practice, the JSC could only report findings and assigned responsibility without imposing sanctions on the parties that had committed extortion or shown other provocative behaviour. The JSC was also unable to handle or counter the spoilers inasmuch as most of them were driven by hardliners from high-ranking military commanders. The insufficient understanding of the situation was over-estimated when the HDC believed that TNI Commander General Endriartono Sutarto and the Chief of Police General Da'i Bachtiar could control the lower ranking troops in the field and prevent spoiling of the peace within the Indonesian military, while in fact, the Megawati presidency was dominated by nationalists and conservative military elements who rejected the peace process with GAM from the outset. This is also the reason why the representatives of TNI had been given a limited mandate to control the military commanders in the field, even the representative order to remove the roadblocks without permission from higher TNI commanders.

The weakness of the JSC was a reflection of the weakness of the HDC as the third-party guarantor for implementation of the agreement. The HDC, as an NGO, had no leverage or authority to apply sanctions for any violation from the provisions of the CoHA. According to the GAM negotiators and based on their experience, the HDC

could not give a guarantee for GAM members if the process of disarmament and decommissioning was finished (Tiba, 2003). GAM wanted to settle the political issue first, before surrendering their weapons to the JSC, and requested the HDC to ensure the weapons were not confiscated and seized by TNI after being stored.

All of these conditions accumulated, and on 17–18 April 2003, the GoI proposed a Joint Council meeting in Tokyo that was called for as a last-ditch effort to save the CoHA when GAM had failed to meet the deadline for placement of their weapons in January 2003. The HDC, with limited capacity, tried to put pressure on both conflicting parties to work with the Government of Japan, which was willing to facilitate a Joint Council Meeting in Tokyo (17–18 May 2003). Actually, this meeting was postponed for a few weeks for technical reasons; GAM rejected the plan of meeting in Tokyo and proposed to conduct the meeting during the weekend in Geneva instead, without offering any clear reason, and the HDC was not able to mediate GAM's request to the GoI (Sastrohandoyo, 2003). The meeting in Tokyo was the last meeting, and in the following hours, Megawati declared martial law in Aceh.

The research found that one of the key conditions that could affect the motivation and optimism of the GoI and GAM for implementing the agreement was the role of a third-party guarantor, such as the AMM or JSC. This role is important since the parties would have shown more optimism for implementing the DDR plan if they had felt more secure under the monitoring of an outside guarantor that had political power to verify or implement demobilization. Whenever the guarantor (such as the JSC) failed to take action, the parties became demotivated to implement what they had signed. The credibility of the third party (such as the AMM) would affect the successful implementation of the agreement when they could enforce the settlement and guarantee that neither side was dishonest (Fortna, 2003). Contrary to the JSC, the AMM had the capability to control the behavior of the GoI and GAM in minimizing the violent incidents and also monitor the compliance of the agreement to demobilize. In addition, the AMM succeeded in preventing misunderstandings by setting up direct communications and clear guidance in the CoSA (Commission on Security and Arrangements) meetings that were followed by both parties.

As a new NGO, the HDC had no experience as a guarantor because this role had previously and usually been played by the state actor. The implementation of a peace

agreement requires a credible third-party guarantor, and when the HDC failed to implement the CoHA, it also lost the credibility to facilitate the peace talks. During the CoHA, the performance of the JCS could be concluded to have made no complete analysis of spoilers and ways of handling them; to have no coercive capacity against them, have little capacity for positive inducement, and only have the ability to set norms and procedures (Huber, 2004). However, as a new NGO, the HDC was expected to improve its image at the international level as a successful NGO in conflict resolution but without fully strengthening its own capacity for assisting implementation.

6.2.3 The Helsinki MoU: The Role of the Aceh Monitoring Mission (AMM) and the DDR Processes

A few months after the Helsinki MoU was signed, the violent conflict in Aceh decreased significantly compared to the previous time where 20–30 deaths occurred each month in Aceh. The decrease in violence did not only indicate the motivation and commitment, but also the improvement of mutual trust of the parties to apply the agreement.

Table 6.4 Pre- and post-MoU incidents and impacts during 2005

(Source: World Bank/DSF Aceh Conflict Monitoring Update, 1–31 December 2005)

	Incidents	Average per month	Deaths	Injuries
Pre-MoU	154	22	205	177
Post-MoU	23	5	4	13

Source: Newspaper dataset

The high motivation and commitment from both parties to end the conflict was supported by the presence of the third party as the guarantor in implementing the agreement. To support the process, especially to monitor the commitment for the peace agreement, the GoI and GAM agreed to invite the Aceh Monitoring Mission (AMM) to monitor the demobilization of GAM and the decommissioning of its armaments (5.2.a of the Helsinki MoU); and to monitor the relocation of non-organic military forces and non-organic police troops (5.2.b of the Helsinki MoU).

The AMM is a civilian mission within the framework of the European Security and Defence Policy (ESDP) whose personnel include EU member states (130 personnel) and five participating ASEAN countries (96 personnel); this mission was the first ESDP operation in Asia. The combination of AMM personnel between EU and ASEAN was very important to eliminate the negative perception of the dominance of Western countries in Aceh. Moreover, the personnel from ASEAN have a better understanding of the Asian cultural and military traditions in Indonesia (Ponto, 2013:74).

Specifically, the commitment and motivation to end the conflict could be identified during the DDR process that had been agreed in the Helsinki MoU:

1. GAM undertakes to demobilize all of its 3,000 military troops (4.2); GAM undertakes the decommissioning of all arms, ammunition and explosives, and commits to handing over 840 arms (4.3); the decommissioning of GAM armaments will begin on 15 September 2005 and will be executed in four stages and concluded by 31 December 2005 (4.4);
2. The GoI will provide weapons collection points and support mobile weapons collection teams in collaboration with GAM (5.9);
3. Immediate destruction will be carried out after the collection of weapons and ammunition (5.10).

The number of organic military forces to remain in Aceh after the relocation amounts to 14,700. The number of organic police forces to remain in Aceh after relocation amounts to 9,100 (4.7).

To conduct the process, the AMM facilitated representatives from both parties in a Commission on Security and Arrangements (CoSA) to settle the dispute concerning the implementation of the agreement. The CoSA is an important forum to build trust between the GoI and GAM, and also determine how the Helsinki MoU would be implemented. During the AMM mission, the CoSA conducted 44 meetings when the AMM and the senior representatives from the GoI and GAM discussed and took initiative through consensus to settle many crucial issues that had not been mentioned clearly in Helsinki (Ponto, 2013: 132). The CoSA meetings established an effective mechanism for dispute settlement that was held at the district and provincial levels. All

the dispute settlement mechanisms were based on the mechanism that was agreed on in Helsinki, which included:

1. As a rule, eventual disputes concerning the implementation of this MoU will be resolved by the Head of the Monitoring Mission, in dialogue with the parties, and with all parties providing the required information immediately. The Head of the Monitoring Mission will make a ruling, which will be binding on the parties (6.1.a);
2. If the Head of the Monitoring Mission concludes that a dispute cannot be resolved by the means described above, the dispute will be discussed together by the Head of the Monitoring Mission with the senior representative of each party. Following this, the Head of the Monitoring Mission will make a ruling that will be binding on the parties (6.1.b);
3. In cases where disputes cannot be resolved by either of the means described above, the Head of the Monitoring Mission will report directly to the Coordinating Minister for Political, Law and Security Affairs of the Republic of Indonesia, the political leadership of GAM and the Chairman of the Board of Directors of the Crisis Management Initiative, with the EU Political and Security Committee informed. After consultation with the parties, the Chairman of the Board of Directors of the Crisis Management Initiative will make a ruling, which will be binding on the parties (6.1.c).

During the disarmament and demobilization process, both parties committed to use the “cash-and-carry” model, which meant that for each 300 of GAM’s weapons disarmed 10 TNI battalions would be demobilized. As stated in the MoU:

The relocation of non-organic military and non-organic police forces will begin on 15 September 2005 and will be executed in four stages in parallel with the GAM decommissioning immediately after each stage has been verified by the AMM, and concluded by 31 December 2005 (4.6).

During the peace talks, GAM argued that they would not surrender the weapons to TNI, because they did not consider themselves as a surrendering party in Helsinki, but as a party working with the GoI in search of a mutually acceptable solution. Hence, to save face for GAM, the GoI agreed that GAM could surrender their weapons to the

AMM without a large presence of TNI. The weapons were cut into three pieces at the appointed square; GAM could keep one piece of the weapon and the other two pieces would be transferred to the AMM and TNI. On 31 December 2005, GAM completed handing over the weapons with a total of 1,018 arms. From this number, 840 were accepted and destroyed and 178 were disqualified. The GoI also completed their withdrawal of troops from Aceh with a total of 31,681 non-organic security forces being redeployed.

Table 6.5 Weapons decommissioning and relocation by phase (2005)

Phase	Decommissioning			Relocation	
	Surrendered	Accepted	Disputed	Troops	Police
I (September)	279	243	17	6,671	1,300
II (October)	291	233	35	6,097	1,050
III (November)	286	222	15	5,596	1,350
IV (December)	162	142	4	7,628	2,150
<i>Total</i>		<i>840</i>		<i>25,890</i>	<i>5,850</i>

Source: AMM

To support the disarmament process, the GoI allocated 526 billion rupiah (approximately 50 million USD) for TNI's withdrawal from Aceh. Some analysts believed that the withdrawal fund was compensation for TNI from its economic benefit in Aceh, and would be similar to what TNI would have managed if the conflict had continued (McCulloch, 2002). However, the full control of Yudhoyono's government over the military was able to marginalize and dismiss the conservative officers, and made implementation of the DDR process in Aceh possible without any turmoil. In addition, the military commitment was not only present when the negotiations started in Helsinki but almost throughout the whole peace process. First of all, General Sutarto had committed to supporting government policy from the beginning to settle the conflict through dialogue. Secondly, the representative of TNI with the full mandate had made a commitment since the fourth round of peace talks in Helsinki and continued in the CoSA meetings. Thirdly, the soldiers on the battlefield obeyed the military commanders (Ponto, 2013: 278).

On the day the agreement was signed in Helsinki, TNI commander General Endriartono Sutarto with a full team of high ranking military officers, visited Aceh. According to the TNI commander, the purpose of his visit was to ensure that the

soldiers obeyed the peace agreement, “because the deal without being followed by implementation in the field is of no use” (*Kompas*, 16 August 2005). The full support from the military side impressed the international actors concerning the compliance of TNI under Yudhoyono’s presidency and helped rebuild the image of TNI as a professional army after the case of East Timor.

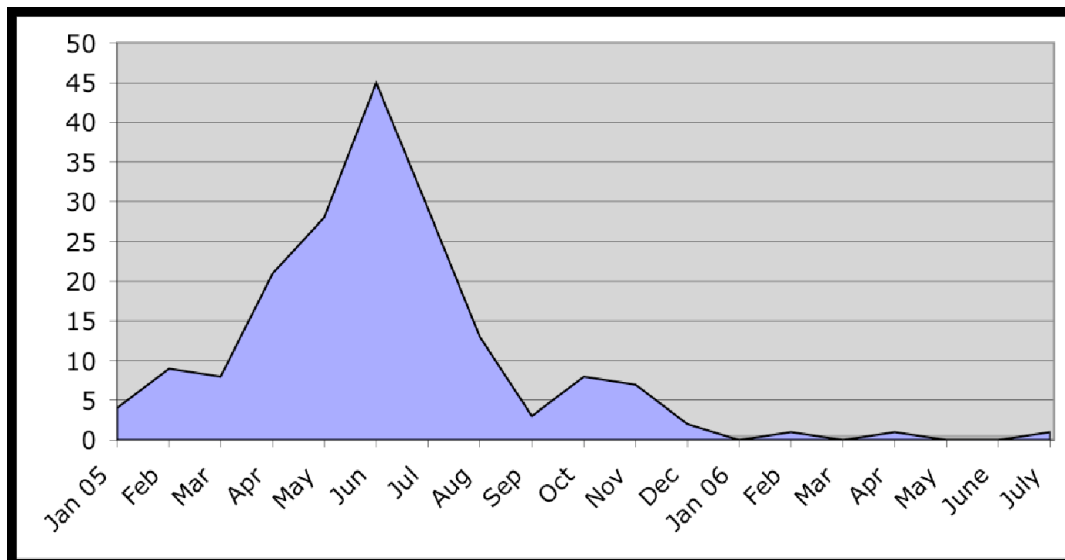


Figure 6.1 The GoI–GAM incidents by months

(Source: National Violence Monitoring Update: 1 Jan 2005 – 31 July 2006)

In relation to the reinsertion and reintegration process, the GoI committed to a general amnesty for all GAM members, except for criminal cases.¹⁴ The amnesty was legalized through Presidential Decree No. 22/2005 and was in keeping with what was agreed in Helsinki, namely that the GoI would, in accordance with constitutional procedures, grant amnesty to all persons who have participated in GAM activities as soon as possible and not later than within 15 days of the signature of this MoU. (3.1.1). Furthermore, by September 2005, the GoI had released 1,424 political prisoners and detainees in Aceh and 463 in Java (*Serambi Indonesia*, 23 September 2005).

In October 2005, the local government distributed daily living allowance to 3,000 former GAM members (IDR 750,000 per person/month or approximately USD

¹⁴Article 3.1.1. of the Helsinki MoU states that “The GOI, in line with constitutional procedure, will give amnesty to all persons who were involved in any GAM activity as soon as possible and not more than 15 days since this MoU is signed” (http://www.cmi.fi/files/Aceh_MoU.pdf)

75). Furthermore, to support larger programmes on integration, the Governor of Aceh established the Reintegration Agency, or *Badan Reintegrasi Aceh (BRA)*, one of whose missions was to empower the livelihood sector for groups of victims and combatants. Along with the more stable condition, many GAM leaders and members who lived overseas returned to Aceh. The return of the number of GAM members to Aceh indicated the strengthening of trust between GAM and the GoI.

6.2.4 Post-Agreement Dialogue

The mission of the AMM was accomplished on 15 December 2006 while many elements in Aceh society believed that its presence was still needed for at least one year to facilitate dialogue between Jakarta and Aceh. Kalla and his colleagues Farid Husain and Juha Christensen then invited Interpeace to take the role of facilitating the dialogue between representatives of the GoI and former GAM leaders. As stated by Pieter Feith, “Interpeace is not a sub-division of the AMM or continuation of it. They have a different mandate and their structure is smaller than the AMM” (*Serambi Indonesia*, 15 December 2005).

Interpeace, an international NGO led by President Martti Ahtisaari, focuses on human rights monitoring and the reintegration process. At a later stage (2008–2009), the author himself was entrusted to manage the Interpeace programme in Aceh. Interpeace had actively facilitated monthly meetings between *Forum Komunikasi dan Koordinasi (FKK) Desk Aceh*, or Coordination and Communication Forum-Desk Aceh, and the former GAM leaders. The FKK was part of the Coordinating Ministry for Political Affairs, Security and Law (known as *Menkopolhukam*) and had a mandate to accelerate the implementation of the Helsinki MoU. After Interpeace discontinued its work in Aceh, the CMI continued the facilitation role under the programme Aceh Peace Process Support (APPS) and assigned the retired Major General Jaakko Oksanen, as Deputy Head of Mission (AMM) to facilitate the dialogue between the GoI and former GAM leaders during 2012–2013.

The role of the third party in post-agreement is very important, especially in facilitating the dialogue between the former conflicting parties. However, the implementation of the agreement required a much longer period than the DDR process, and the two sides still needed to establish communication so that the agreement that had

been signed could be interpreted and implemented together. Some important issues that were facilitated by Interpeace (and subsequently by the CMI) included the establishment of local political parties, a sharing mechanism for the oil and gas in Aceh, independent candidates in the local elections of 2012, and the reconciliation process. The dialogue was more informal and closed to the public.

6.3 Political Processes in the CoHA and the Helsinki MoU

The durability of peace is determined by the political process as the core substance of agreement on ways to address the governance issues on power sharing that include election, autonomy system, and political amnesty. All of the issues in the political process are encouraged to establish a democratic post-conflict environment, which will prevent the probability of the recurrence of violent conflict. In this phase, the political process includes transitional election to establish the new authority, to promote basic human rights, and the constitution-making process (Sisk, 2003).

6.3.1 The CoHA: Short Life of the Agreement

As a partial agreement, the CoHA only focused on security arrangements, which did not indicate a clear mechanism for political settlement. Instead, the basis of political settlement was formulated by “acceptance of the NAD Law as a starting point” that created a polemic in its implementation as GAM interpreted the Autonomy Law as the first thing to be discussed, but not as a permanent political solution (Tiba, 2003).

Without any clear direction for the conflict transformation in the CoHA, GAM interpreted the “all-inclusive dialogue” and “elections” as part of the referendum process. Most of the Acehnese in the villages believed that the future results of the CoHA implementation would achieve independence for Aceh. Even GAM stated to the Acehnese that peace zones as an indicator of independence were imminent with the support of the UN (Tiba, 2003). Misperception and misinterpretation of the CoHA was a part of the failed trust-building process while the CoHA also did not mention clearly or in detail the timing and manner of the placement of GAM’s weapons, the mechanism for the all-inclusive dialogue, or the proper definition of election. In the last meeting, which was conducted in Tokyo on 17 May 2003, GAM tried to make a concession by terminating their struggle for independence, and placing their weapons according to the

CoHA schedule (*HDC Internal Review*, 2003). The GoI exerted pressure and requested that GAM declare publicly and explicitly their concessions under the joint statement in the following draft:

“GAM fully accepts the special autonomy provided by the Nanggroe Aceh Darussalam Law within the framework of the Unitary State of the Republic of Indonesia, and, consequently, agrees not to seek independence for Aceh...in this regard, GAM is committed to drop the armed struggle, to disband the *Tentara Nasional Aceh* and to participate in the political process as stipulated in the CoHA”. (Hadi 2003: 42)

However, GAM rejected this draft statement and argued over the required parameters of the CoHA, and they were not ready to declare their position publicly. GAM walked out from the next session of negotiation, and the negotiation ended, as stated by HDC in its release on 18 May 2003:

“The Henry Dunant Centre for Humanitarian Dialogue (HDC), with the help of the international community, has been engaged in last-minute efforts to bring the government of Indonesia and the Free Aceh Movement (GAM) together in an attempt to resolve their immediate differences and avert a resumption of conflict ... Those efforts were, unfortunately, unsuccessful”. (HDC Statement on Aceh, www.hdcentre.org)

Crisis in the DDR process and the ambiguities of the CoHA prevented the GoI and GAM to enter into a political settlement and this affected the level of motivation from both parties. From GAM’s side, political settlement would precede the disarmament process, and, within the CoHA context, GAM felt insecure about handing over their weapons before a basis political solution was agreed upon (Kamaruzaman, 2003).

6.3.2 The Helsinki MoU

As planned from the very beginning, the Helsinki peace talks tried to find a comprehensive solution for Aceh in which the special autonomy became the basis of conflict resolution that covered various aspects:

1. Political status and governing of Aceh
2. Human rights institutions
3. Amnesty and reintegration into society
4. Security arrangements
5. Aceh Monitoring Mission (AMM, to be supervised by the EU and ASEAN)
6. Provisions for dispute resolution

Although the 71 articles in the Helsinki MoU did not bring any significant extension to the existing special Autonomy Law of 2004, for GAM it was a concession that enabled Aceh to have more sovereignty to be formulated under the new law (Law on the Governing of Aceh). To prevent polemic and controversy concerning the Helsinki MoU related to the term of self-government, the Indonesian negotiator explained to the public that what both parties had agreed on in Helsinki had been accommodated in the special Autonomy Law and other laws, such as *Wali Nangroe*, or the recognition of local symbols. Therefore, it can be said that the Helsinki MoU was the special Autonomy Law with a few new clauses” (*Kompas*, 6 September 2005). Only a few articles in the Helsinki MoU were found to be new, such as the one concerning local political parties (1.2.1); Aceh’s right to set a different interest rate to the Central Bank (1.31.), and the requirement that national laws affecting Aceh must be approved by the province’s legislature (1.1.2.c). Moreover, the core of the Helsinki MoU principle is that

“Aceh will exercise authority within all sectors of public affairs ... except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution”.
(1.1.2.a)

After the successful DDR process, on 11 July 2006, the government endorsed the Law on Governing of Aceh No. 11 of 2006, known as LoGA, the basic law in implementing the Helsinki MoU. Through the presence of this LoGA, Aceh was recognized as a territory with authority that was different from other regions, with specific and special characteristics, as stated in the following:

“Aceh is a province constituting a legal social unit having unique characteristics and granted with a special authority to manage and administer its local governance and social interests...”. (LoGA Article 1, Verse 2)

Furthermore, the LoGA accommodated key articles of the Helsinki MoU, which included:

1. *General*: The Government (*pemerintahan*) of Aceh is to regulate all public sectors except those that are the authority of the central government, which includes foreign affairs, defence, security, justice, monetary affairs, national fiscal affairs and certain functions in the field of religion (article 7).
2. *Economic*: Aceh is to *receive* 70% of oil and gas revenue, 80% of forestry, fishery, mining and geothermal energy revenue (article 181), an additional 2% of DAU (General Allocation Funds) for 15 years and 1% for the following 5 years, and mining enterprises must establish Community Development Funds (article 159).
3. *Political*: Local political parties (article 257), independent candidates for first elections only (article 256).
4. *Law*: A Human rights court is to be established (article 228), as well as a Truth and Reconciliation Commission based on existing regulations (article 229), and the right to implement *shariah* law (article 125).
5. *Security*: The role of TNI is to protect state unity and sovereignty (article 202).
6. *Socio-cultural*: *Wali Nanggroe* is to be established as a non-political non-government institution (article 96).
7. *Subsequent required regulations*:

- At least four national government regulations
- Three presidential decrees
- At least 58 provincial and 35 district *qanuns* (regulations)

In December 2006, the first local election was held in Aceh after the peace agreement had accommodated GAM's political interest by introducing the new model called independent candidacy, an election system that could accommodate candidates from outside of the political parties. This model was new to Indonesia's political system, but was implemented peacefully in Aceh when the former GAM members and activists who had previously been labelled 'enemies of the state' won the election and later became part of the government.

The success of the first local election after the MoU was signed also showed the democratic development in Indonesia in that the GoI was willing to accept any winner in a free and fair election in Aceh. There were about 2.1 million voters and 80% of them were registered (*Serambi Indonesia*, 7 January 2006). The observers reported few insignificant acts of intimidation and interference, and interestingly enough, TNI and former combatants consistently followed the rule. TNI was fully neutral and did not intervene in the election, whilst at the same time, GAM combatants were also able to transform themselves into political cadres (*Serambi Indonesia*, 12 December 2006).

In fact, there was no significant difference between *Daerah Istimewa* and the Special Region that was legally established in Aceh before and the special autonomy. Considering the Indonesian constitution, namely Act 44/1999 regarding the Special Province of Aceh, Act 11/2006 regarding the Special Autonomy for the Aceh Special Region, and Act 11/2006 regarding the Government of Aceh, all of the laws recognized Aceh as a territory with special authority. In addition, compared to other territories, whether in specific or special characteristics, Aceh was considered to be an ethnic identity that was entitled to the privilege, which needed to be framed within the special autonomy concept, "Aceh has authority within all sectors of public affairs except the governing functions that belong to the national government, such as foreign affairs, external defence, national security, monetary and fiscal matters, as well as justice and freedom of religion" (Act 11/2006 1.1.2-a).

Considering the achievement in the implementation of the Helsinki MoU, the present thesis argues that this was followed by the fact related to the type of agreement, which indicated greater readiness of the parties to settle the conflict. When the GoI and GAM had greater motivation and optimism, they were able to sign a full agreement that produced political settlement as agreed in Helsinki. In contrast, in the previous peace process in the CoHA when the GoI and GAM were not fully motivated for peace, the negotiation merely came to a partial agreement that concerned the cessation of hostilities, a euphemism for ceasefire since TNI did not agree to the term.

6.4 Domestic Political Condition

6.4.1 Central Coalition during the Implementation of the CoHA

When the peace process started in early 2000, Wahid's agenda for Aceh was supported by broader political elites in the GoI, and Wahid also strengthened this support through civil society groups in Aceh, such as religious leaders, NGOs, and student movements. The central coalition for peace during Wahid's presidency was led by his inner circle, which included the Minister of Foreign Affairs (Alwi Shihab), the State Secretary (Bondan Goenawan), Coordinating Minister for Politics and Security (Susilo Bambang Yudhoyono), and the Minister of Human Rights Affairs (Hasballah M. Saad). However, most of the 'members' of the central coalition came from outside of the government circle, consisting of human-rights democratic activists who were based in Jakarta or Aceh, journalists, and also civil society groups in Aceh, which meant that the peace agenda lacked support from both the military and the politicians.

During the pre-negotiation process, Wahid's people from the 'dove side', such as the State Secretary Bondan Gunawan, Afdhal Yasin, and his own relatives, namely Hasyim Wahid and Lily Wahid, were intensively opening the diplomacy channel with GAM that was mediated by peace activists and *ulamas* in Aceh. During Wahid's presidency, whenever the peace talks faced a crisis, the central coalition actors would approach both sides to keep their commitment to the peace agenda; even Wahid's people had frequently facilitated meetings between Aceh's unofficial delegations and the ministers who were involved in the peace process in Aceh. During these meetings, the delegation asked the ministers to keep their commitment to peace.

The human rights and other humanitarian issues were the main platform that unified the “dovish” parties, but conversely, human rights issues made the “hawkish” parties uncomfortable when they argued that the human rights issues were utilized by GAM for propaganda to gain sympathy from the international community (*Serambi Indonesia*, 25 January 2001). Even more, the hawkish parties then claimed that the peace activists in Aceh had close connections with GAM (*Serambi Indonesia*, 15 March 2001). This condition left most of the Acehnese in a difficult position because those who were considered hawkish and associated with those who criticized the GoI’s policy could be considered rebel supporters. In contrast, those who accepted and supported the GoI’s proposal on the special autonomy could be condemned as traitors by GAM. Between 1999 and 2004, some peace activists and Acehnese leaders were reportedly killed or had disappeared. These included Nashruddin Daud, who was a member of the national parliament, Djakfar Siddik, who was a human rights activist, Professor Dayan Dawood and Professor Safwan Idris, both of whom were rectors at universities, and dozens of other individuals who were imprisoned.

The dovish parties in the GoI became weaker since Wahid also confronted the Islamist elites in parliament, *Poros Tengah* or the Central Axis, who had brought Wahid to power. This condition led to a political situation in which Wahid was not able to secure his policy in parliament since his party, *Partai Kebangkitan Bangsa* (PKB) or the National Awakening Party, had only 12% of the seats in parliament. With the lack of political support both in parliament and from military generals, the peace agenda could not be fully implemented in Aceh since the negotiated agreement could not be coordinated with the higher security rank and political actors in the GoI. Furthermore, the hawkish parties perceived Wahid’s policy to be too soft and the peace talks had equated GAM’s position with that of the GoI, and it was not acceptable for the hawks to be sitting at the same table as the rebel group (*Gatra*, 25 April 2003).

After the impeachment of Wahid, the hawks succeeded in strengthening the spirit of nationalism in protecting the unitary state, or *Negara Kesatuan Republik Indonesia* (NKRI). For this reason, the hawks perceived that the negotiation with GAM, the rebel group, was useless due to the failure of the peace talks to reduce the conflict, while at the same time, GAM’s capacity was improving significantly since the peace process had started in 2001 (*Serambi Indonesia*, 3 October 2002). From 2001 to 2003,

when the peace talks were conducted, TNI perceived that GAM had the opportunity to move freely within the community, to recruit new combatants and cadres in the villages, most of whom came from the conflict areas and had direct experience as victims.

Furthermore, the presence of the HDC as the mediator was perceived by the hawks as a foreign intervention in a domestic problem and they argued that Aceh's problems must be resolved domestically, and that it was a mistake to conduct peace talks in another country (*Waspada*, 4 March 2002). Learning from East Timor, the international mediator would only strengthen the bargaining position of the rebels. Although President Megawati had the motivation to continue the peace talks, she insisted on discussing the political settlement on the basis of the special autonomy. Megawati's stand on the special autonomy approach was influenced by Indonesian hawkish parties. They assumed that GAM would never accept Jakarta's proposal and argued that the military operation was the rational option for Megawati, as GAM was trying to keep the peace talks going longer to buy time to strengthen their military and organizational capacity. The same perception of GAM's inconsistency was shown by media polling when 61% of respondents assumed that GAM would not seriously implement the agreement that had been signed (*Kompas*, 9 December 2003).

Furthermore, to support the military option, Megawati re-established the *Komando Daerah Militer*, or the Territorial Military Command of Iskandar Muda that was based in Aceh. The government, through Hari Sabarno, Minister of Home Affairs, argued that an armed group like GAM should be countered by armed forces, and, even if the government was to use diplomacy, it should be paralleled with a military approach (*Tempo Magazine*, 11 May 2003). This argument had strong support from some members of parliament who favored the military option for Aceh (*Media Indonesia*, 10 May 2003). Similarly, public opinion shared this perception of the situation in Aceh, as shown through media polling in which 44% of respondents agreed that a military operation was needed. However, two out of three respondents hoped that the peace talks would continue (*Kompas*, 20-21 November 2002).

6.4.2 Civil–Military Relationship and Military Reform

The research found that a civil–military relationship was an important factor in understanding the central coalition figure since there was a close relationship between

new leaders with the military reform that influenced the central coalition figure in the two peace processes. Although military reform was one of the agenda items that needed to be implemented by the GoI during the transition to democracy, each presidency after Suharto faced different issues in dealing with this reform. This partly explains the approaches taken by the Habibie, Wahid, Megawati and Yudhoyono presidencies that affected their peace agendas in Aceh.

During Suharto's era, the military and police fell under one commanding force called *Angkatan Bersenjata Republik Indonesia*, (ABRI), the Indonesian Armed Forces. At that time, ABRI was the guarantor of domestic stability and played an important role in central parts of the political process. This concept was called *dwi fungsi* or dual function. Many active and retired generals were represented in parliament and had a position in the civil administration, as well as in Suharto's cabinet. To cover the deficiency of military budgets, Suharto had agreed for the military to be involved in business activities and hold the key positions in state-owned businesses. During the Suharto era, 60–65% of the military expenses was received from military businesses, which included the travel industry, manufacturing, financial sector activities, logging, and other sectors, which were all under the control of several *yayasan*, or foundations of the police, navy, air force, and army (Widoyoko, Indonesia Corruption Watch, 2003).

The initiative for military reform was first announced by the Habibie presidency through the Chief Commander of the Indonesian Army, General Wiranto during an Armed Forces Day celebration on 5 October 1999. The military-reform proposal referred to the New Paradigm or *Paradigma Baru*, “the most important step is the withdrawal from day-to-day politics”, as stated by General Wiranto (*Suara Merdeka*, 8 March 2003). Major General Susilo Bambang Yudhoyono, as the Chief of Staff for Political and Social Affairs, and Major General Agus Widjojo were the architects of the New Paradigm and led a team of 36 members. The main idea of the New Paradigm was to transform the military into the guardian of the nation. The military should only focus on external defence (*Tempo*, 15 October 2000).

The new paradigm consisted of four ideas. First, the military role was not to be in the forefront of all national affairs. Second, the previous military role in occupying political positions was changed into influencing politics from a distance. Third, this influence was to be exerted indirectly rather than directly. Finally, fourth, the armed

forces acknowledged the necessity that *the military was granted the right to formulate its own reform agenda* of role-sharing with other national forces (Tim KontraS, 2005: 26). The concepts of military reform were focused on the reform of the “dual function” of TNI and bringing them to the professional and neutral forces. TNI agreed to reduce their representation in the legislative body from 75 to 38 seats at the national parliament and by 10% of the seats at the local level. To show this commitment, General Wiranto announced that the military would keep their neutrality during the general election of 1999, and separated their formal ties with political parties, especially GOLKAR (*Kompas*, 24 January 1999). These steps were crucial to avoid the politicization of TNI by political parties.

The next step of the reform was to separate the military and the police force, which had been unified under one institution; they were to be separated institutionally and authoritatively based on their own functions. In the past, there were overlapping roles and functions between TNI as the actor for national defence and the police as the actor for security and law enforcement. The decision for separation was ratified by *Majelis Permusyawaratan Rakyat* (MPR), or the People’s Consultative Assembly, through Parliamentary Decree No VI/2000. The MPR stated that the “dual function” had distorted and overlapped the role and function of TNI and POLRI, which affected the Indonesian democratic process.

In relation to the accountability of human rights violations in the past, TNI argued that what they did was a political decision from the government to counter the separatist movement and solve the problem in rebellious areas. TNI opposed the Human Rights Court for human rights violation cases that occurred during the implementation of the DOM. Although the GoI ratified Act 26/2000 to establish a Human Rights Court to deal with human rights violations in the past and as an effort to prevent impunity cases in the future, in fact no human rights case in the past had been brought to trial¹⁵ other than the case of the Teungku Bantaqiah massacre that occurred in 1999.¹⁶

¹⁵ According to the report of the Independent Commission on Human Rights Violation Investigation (1999), there were 7,000 cases during the period 1989–1999. This commission was established by government mandate.

¹⁶ The government held a connectivity Judicial District Court (PN) Banda Aceh on 24 April 2000 to prosecute the accused members of the Army and a civilian who were directly involved in the massacre of Teungku Bantaqiah on 23 July 1999.

The public perceived that the political elites and the parliamentarians made no serious attempt to bring the human rights cases to court, even though they did not react when some cases were solved internally at a Martial Court based on Act 31/1997 (*Kontras Report*, 2002). Ironically, in the case of the assassination of the Papuan activist, Theys Eluay, in Papua in 2001, the Chief of Army Ryamizard Ryacudu portrayed the perpetrators, members of *Komando Pasukan Khusus – Kopassus*, or Special Forces Command, as heroes (*Tempo.Co*, 23 April 2003). The assassination was carried out while the GoI was trying to settle the conflict in Papua through dialogues in which Eluay was one of the key figures in the peace dialogue.

In the new concept, TNI identified several potential threats related to their duty and responsibility in the defence sector, which included international terrorism, separatist movements and radicalism based on ethnicity or religion. In the case of Aceh, TNI argued that the military should play an active role in defending territorial integrity. This concept was supported by political elites in the GoI, especially during the Megawati presidency that assumed that only the military force could protect national unity. During the years of 1999 to 2001, TNI added two more KODAM or Military Territory Commands. In contrast, the civil society groups proposed that the elimination of KODAM should be part of the military reform. However, they rejected this proposal because the territorial units (such as KODAM) were the frontline institutions to integrate TNI and the people in an effort to consolidate the total defence strategy. For TNI, the territorial structure could protect Indonesia from disintegration, as experienced by Yugoslavia, when KODAM was argued to be able to detect the early symptoms of every potential threat, both internally and externally. KODAM could also play a pivotal role in the war against terrorist groups. However, many analysts perceived that KODAM had been used by the military to secure financial independence of TNI from the civilian control mechanisms; consequently, this could back up the TNI influence in the political arena (Husodo, 2008; Widoyoko, 2003).

Between 1999 and 2004, the military reform to uphold democracy fluctuated. Wahid claimed support from General Wiranto during the election and asked General Wiranto to resign from his position as Chief Commander in May 2000 for which he was compensated with a cabinet position as the Coordinator Minister of Security and Political Affairs. When Wahid started his presidential office, he also initiated the

military reform in his cabinet and appointed Admiral Widodo A.S., a Navy General, as the Chief Commander to replace Wiranto, a position that had been dominated by the army since Suharto's era. Wahid also appointed a civilian, Juwono Sudarsono, a professor of political science, as the Minister of Defence, the first civilian minister since the early 1950s. In relation to human rights issues, Wahid established a Human Rights Tribunal in late 1999 to investigate the East Timor massacre during the referendum process. Later, to accelerate civilian supremacy over the political realm, Wahid removed Wiranto from the cabinet and argued that Wiranto had been responsible for the East Timor massacre in 1998. Furthermore, he accused Wiranto of being the major obstacle to implementing further military reform since Wiranto was part of the old regime.

To support the implementation of the new paradigm, Wahid appointed a progressive General named Agus Wirahadikusumah to a strategic position as Commander of the Army Strategic Reserve Command, or *Komando Strategi Angkatan Darat* (KOSTRAD). In doing so, Wahid undermined the position of Wiranto's loyalists or other conservative generals who were implicated in the internal conflict between the reformists and conservatives within TNI. The conservatives then succeeded in dominating the internal positions of TNI, and thereby affected the on-going reform. As a consequence, implementation of the reform agenda never materialized, including the audit of the military business foundations. However, Wahid's policy towards Aceh reflected the dynamic military reform. This could be seen in 1999 when Wahid refused a military proposal to re-establish KODAM in Aceh. He perceived that the proposal would interrupt his agenda to find a peaceful solution. Some analysts (Kingsbury, 2003; Haramain, 2004) stated that TNI sabotaged Wahid's agenda, and worked behind the scenes with Wahid's political opponents, and the conflict between the President and the Parliament provided an opportunity for TNI to receive support from the politicians in the name of national unity.

The rejection from TNI of Wahid's radical steps prompted Wahid to announce to the Assembly that his Vice President Megawati would take charge of the internal TNI affairs. To avoid political turbulence, since mid-2000, Wahid used a compromise approach to the military elites, such as removing controversial generals that had been promoted by him. However, Wahid terminated the reform agenda on KODAM as a territorial structure, revised his moderate approach to separatist groups, and allowed a

security approach to be involved in Papua and Aceh. This condition indicated that the hawks dominated the security policy in Indonesia, which later became even stronger when Megawati replaced Wahid.

The Megawati presidency was noted as being the period when the military hardliners met the nationalist politicians' interests in protecting the national unity. However, Megawati and the military found themselves in a 'mutual symbiosis' situation in which Megawati needed the military as her 'ally' in the government since she did not trust any civilian politicians outside her party. On the other hand, the conservative generals needed a political patron who could avoid the radical military reform. The involvement of the conservative generals in the political arena influenced Megawati's policy on security affairs.

6.4.2.1 Civil–Military Relations in the Context of the CoHA

Although the democratization processes in Indonesia indicated that the military would step out of the political system, TNI's role was still dominant during the 1999–2004 period for several reasons. First, the military process had never gone to the reformist generals but to the conservative ones such as Ryamizard Ryacudu, who were at the top of the military hierarchy preventing the new paradigm from being transmitted across the ranks or even implemented on the ground. Second, the pervasive internal conflict based on ethnicity or religion, and separatist movements in Papua, Maluku, Kalimantan, Aceh and Riau, had driven the GoI to turn back to the security-first approach since the soft approach was perceived as ineffective.

The third reason was the quality of the civilian movements. There were at least three axes among civilian politicians during the 1999–2004 period: the Nationalist group led by Megawati and her Democratic Party PDI-P, the Islamic group that was led by Wahid and Amien Rais, and *Golongan Karya* (GOLKAR) that claimed to be part of the old regime. In fact, all of those groups were looking for military support to strengthen their political power and only one year after the end of the authoritarian regime, Megawati and Wahid approached General Wiranto separately. Both of them lobbied the TNI to give political support for the presidency election in 1999. As explained by Wahid to Mietzner:

“You still can’t become President in Indonesia without having the political support of the military. They’re out of the bureaucracy, and all that, but that’s nonsense. Nonsense! They’re still strong, and Wiranto will support me to become President.” (Wahid in 1999, as cited in Mietzner, 2006: 17)

The quality of the civilian politics affected the pragmatic bargaining position between civil society and the military in Indonesia, while the political in-fighting among the elites had led to the erosion of public confidence in the civilian leadership and further attracted the retired military generals as ‘mature’ political actors to enter the political arena, either at the local or national level. In the 2004 direct election, the retired general Susilo Bambang Yudhoyono won the most democratic election since 1953 with a significantly popular mandate.

The fourth aspect was an intra-civilian conflict in the post-Suharto era. Megawati, who had learned from Wahid’s mistake, understood how important it was to approach the military generals as political allies in order to keep the political symmetry among other groups of politicians, especially the Islamic group, inside or outside of parliament. Megawati who had been approached by the conservatives since she was Vice President used the military to secure her mandate. Since the beginning of her presidency, Megawati took a different approach from that adopted by Wahid, and allowed the active generals to join in with her presidency. This included bringing in Lieutenant General Hendropriyono, who was accused of human rights abuses in the Lampung tragedy back in 1989, as *Kepala Badan Intelijen Negara* – BIN, that is to say, as the Head of the State Intelligence Agency. TNI was somehow behind the government policy in Aceh and this was proven when Megawati launched the Territorial Military Command in Aceh, a policy that had been postponed by Wahid during his term in power. She also believed that negotiation through international mediation would not bring any political solution to Indonesia, since TNI preferred a military operation, while at the same time, GAM rejected special autonomy as the only solution.

The fifth aspect was the change in the internal conflicts and the geopolitical setting, which led to the involvement of TNI as the protector of national unity from the separatist movements, especially in Aceh. Megawati and some Members of Parliament considered that the soft approach applied by Wahid had been a political blunder, which

gave the separatist movements more space and time to expand their influence on the local and international communities (*Serambi Indonesia*, 6 June 2002). The re-involvement of TNI in Aceh created the impression that TNI was the only force capable of protecting Indonesia from disintegration, and thereby increased the political influence of TNI. Furthermore, the change in geopolitical constellation after 9/11 had created the opportunity for TNI to be involved in the war against terrorism when international allies terminated international isolation for TNI, and the US embraced TNI as a strategic partner in Indonesia, the biggest Muslim country in the world. Megawati decided to get the military involved in the counter-terrorism unit that had previously consisted exclusively of police units, which now meant that the military was responsible for internal security and justified TNI to maintain the existence of KODAM as territorial commands.

6.4.2.2 Civil Military Relations in the Context of the Helsinki MoU

The civil military relations in the political setting during the Helsinki peace process were different from the previous peace process and became more complex when Indonesia moved from an authoritarian to a democratic regime. The Helsinki peace process indicated that Indonesia had embraced democracy. Besides the direct election that produced a leader by popular mandate, civilian control over the military indicated an improvement in the level of democracy in Indonesia when Yudhoyono, as a retired general, succeeded in consolidating military support for the peace agenda and assigned two retired military generals – Admiral Widodo AS, the former Chief of Army, and his deputy, Usman Djaja Basjah – to be involved in the negotiation process.

In addition, Yudhoyono also protected the peace process from the hawkish side when he removed General Rymizard Ryacudu, who had actively criticized the peace process from the very beginning and had refused to negotiate with GAM as a separatist movement (*Kompas*, 17 July 2002). Earlier (in mid-2004), General Ryacudu had been promoted as the Chief of Army by Megawati, but Yudhoyono, who replaced Megawati, rejected this promotion and appointed General Endriartono Sutarto instead, until the entire decommissioning and disarmament process in Aceh was completed on 31 December 2005 (*Detiknews*, 13 September 2005). Unlike Ryacudu, Sutarto supported the peace process in Aceh. He was also committed to following the peace agenda.

General Sutarto warned the military not to act against government policies; otherwise they must leave TNI (*Detiknews*, 8 April 2005). Replacing Ryacudu¹⁷ and his conservative allies with moderate generals at the beginning of the Yudhoyono presidency period had influenced and secured the government agenda in respect of the security issues, especially for Aceh, and had indirectly strengthened the dovish side.

Yudhoyono was noted as being one of the intellectual generals who introduced a “New Paradigm” in the army doctrine. However, unlike Wahid, Yudhoyono’s approach to military reform was implemented carefully and avoided sensitive areas to reduce the controversy, especially concerning the case of human rights violations in Aceh and East Timor. In addition, Yudhoyono was also less enthusiastic about reforming the territorial command structure as planned by Wahid (Beeson, 2007). Yudhoyono preferred to focus on increasing military capacity as professional soldiers through programs which included collaboration with the US to improve the skills and capacity of the army, and to allocate a higher budget for the welfare of soldiers. He also renewed arms and assigned professional commanders who respected human rights and adhered to the government’s political decisions.

During his presidency, Yudhoyono adopted several approaches to consolidate his power. In the first year, he focused on strengthening his political control over the military rather than pushing for internal reform. This approach succeeded in smoothly replacing the hardliners and conservative generals from the army leadership and improved the military’s discipline towards the government policy for Aceh (Mietzner, 2006). Aside from the replacement approach, in respect of the military reforms achieved, the passing of the Armed Forces Act was completed in 2004, the extraction of non-elected military members from Parliament was completed (including the faction from MPR), and the subordination of the military courts to the Supreme Court was partly completed.

6.5 The Dynamics of GAM’s Position

The central coalition between the doves and the hawks inside Aceh and GAM was relatively less dynamic than the GoI. At the beginning of the peace process, Aceh and

¹⁷ General Ryamizard Ryacudu was dismissed as Chief of Army Staff by Presidential Decree No. 6/TNI/2005 (*Kompas*, 18 February 2005).

the GoI had the same interests concerning humanitarian issues that were used as the basis for the dialogue. When the peace process started, the small number of hawkish personnel inside GAM agreed to sit at the same table as the GoI delegation despite initially arguing that there was no reason to open a dialogue with the ‘enemy’ since the problem in Aceh could only be solved by international actors (Tiba, 2003). Thus, the central coalition of peace was based on humanitarian issues between the GoI and GAM. However, at a later stage this coalition broke at the end of 2002 when both parties entered the political dialogue and the hawkish parties dominated the Megawati presidency. The political dialogue made both parties commit to their position when GAM insisted on holding on to their independence option and rejected the GoI’s proposal for special autonomy. However, in considering the negotiation process, the research could not clearly distinguish between the doves and the hawks from both sides in that both agreed to hold the peace talks, while remaining committed to their non-negotiable proposals at the same time.

6.5.1 GAM’s Position during the CoHA

Since the hawkish parties in Jakarta gave a strong reaction to the failure of the agreement and accused GAM of being the responsible party, GAM also responded that the peace process could not reach a permanent solution since the GoI had used double-standard agendas, in that while agreeing to negotiate with GAM on the one hand, they had launched security operations in Aceh since 2000 on the other hand. (Interview with GAM negotiator Teuku Kamaruzman, held in Banda Aceh, March 2001). GAM argued that the GoI negotiators had interpreted the CoHA irrationally as a way to deadlock the dialogue and create the public opinion that the CoHA was ineffective. At the same time, they claimed that the GoI was unwilling to implement the agreement while closing their eyes to violations that were conducted by TNI and the police (Syahputra, 2000). GAM reported spoiler movements from the military side in various anti-CoHA demonstrations in Takengon that ended with the burning of the JSC office in March 2003, and other actions in Langsa, Sigli, and Meulaboh, which were instigated and supported by the military (Tiba, 2003). GAM was suspicious that the TNI hardliners had their own agenda and claimed in February 2003 that TNI was launching a massive covert

operation in Aceh that included mobilization of the militias, trained transmigrates and spreading provocateurs (Tiba, 2003).

As a response to TNI's aggressiveness, GAM refused to store their weapons as was agreed in the CoHA before all the non-organic military withdrew from Aceh. When the last talk was conducted in Tokyo in May 2003, GAM reported that TNI and the police had become more aggressive and increased their operations in the field. At sea, there were 12 battleships and corvettes anchored, waiting for command. For GAM, the failure of the CoHA was a result of the GoI's policy to intensify TNI and the police operations in Aceh since Megawati started her presidency (Abdullah, 2010).

Nonetheless, GAM's commitment to the peace negotiation process during critical times was most likely related to their political-military interests rather than peace concerns. As explained previously, GAM's leaders perceived that the peace talks gave political advantage to internationalizing its political struggle as well as provided opportunities for GAM's military and political consolidation (Syahputra, 2000). During the negotiation process hosted in Geneva, GAM's leaders, who were based in Scandinavian countries, utilized this moment to open direct communication and consolidation with their negotiators who came from Aceh; their ideas were then transmitted to the people in Aceh through GAM's negotiators.

6.5.2 Managing the Realistic Option in the Helsinki Peace Process

During the CoHA process, GAM had great confidence that they could reach independence outside of the negotiating table, and this perception had affected their position in the GoI's proposal for special autonomy. The situation then changed when GAM leaders realized that neither could they garner any support from international actors for independence nor trust Jakarta. However, the leaders perceived that they should be more realistic about their position at the negotiating table while understanding that they could not just drop independence and accept the GoI's proposal without losing dignity (Abdullah, 2010). The reasons for this were that it could make GAM look weak in front of the GoI and could weaken their positional bargaining. Secondly, it could make GAM leaders lose face in front of their followers and the Acehnese after so many years of propaganda for independence. Lastly, it could divide GAM's organization into at least two factions: the realists and the conservatives (interview with GAM leader,

Yusra Habib Abdulgani in Denmark, August 2010). The ripe moment for GAM to drop independence came when Yudhoyono sent out the signal for dialogue by referring to the tsunami, as stated by Malik Mahmud:

“Well, we have to be realistic. We have to take into account the reality on the ground. If that (peace agreement) is a solution that’s good for both parties, of course with dignity on both sides, why not! The policy of previous governments was that they didn’t want Aceh to get independence and at the same time they imposed a system that was not acceptable to the Acehnese, and this caused many problems. Under the new government, we saw that this had changed. They were more flexible on that point and of course we have responded (accordingly). If Aceh can get what it wants peacefully without separating itself from Indonesia, why should we go to war? So, that is what I said at the time, that we had the right people at the right time and the right place to achieve peace ... but with the tsunami (that killed more than 100,000 people) we saw that indeed the people in Aceh really needed peace. We took this opportunity to pursue peace negotiations. Also, at that time the international community came in throngs to Aceh to give humanitarian assistance and help reconstruct Aceh. There was a very strong voice in the international community that this was the time to continue negotiations”. (*The Jakarta Post*, 28 May 2006)

Nevertheless, the GAM elites had to move smoothly in transmitting the change to reach their goals to their members. There were at least four main approaches taken by GAM to avoid bad reactions from the hawkish members inside their party. First, the GAM elites, as was agreed as the rule in peace talks, had kept the contents of the dialogue on the peace table confidential to avoid polemics or controversy, especially from the hawkish side. Most of the information was only distributed to the delegations at the Helsinki peace talks, and a few key persons in Aceh including Zakaria Saman, the Minister of Defence, and Muzakir Manaf, the commander of GAM’s combatants. During the internal meeting preparation for the peace talks, GAM’s leaders invited the members outside the negotiator team selectively; the figures who potentially refused the decision to drop the independence option (such as Yusra Habib Abdul Gani) were not

involved after the second peace round (Interview with Yusra Habib Abdul Gani in Denmark, held in 2010). Furthermore, to keep the chain of command among the combatants and to prevent the spoilers among them, the GAM elites instructed Karya Saman and Muzakir Manaf to fully control the information to the combatants in the field and instructed them that the only information about peace talks should come from the top leaders in Sweden (Abdullah, 2010).

GAM also proposed and insisted on using the self-government term to replace the term special autonomy. For GAM, the self-government term was crucial to mediate the two terms of special autonomy and independence, and they perceived that through self-government, they could explain to the Acehnese people that the peace talks had offered a solution beyond the GoI's proposal, and that GAM would not lose face in front of the people and the hawks (Abdullah, 2010). Third, in explaining the decision that GAM had dropped the option of independence, the negotiators invited the inner circle of GAM, and the Acehnese who lived abroad, to an Acehnese world forum conducted in Stockholm facilitated by the Olof Palme Centre. The forum then continued in Aalborg, Denmark, in June 2005. During the meeting that was attended by Hasan Tiro, the GAM negotiators, besides collecting input from the participants, familiarized themselves and the parties involved with the concept of self-government. With the same agenda, this forum was then continued in Kuala Lumpur.

However, during the two peace processes, the GAM elites did not find any significant obstacle internally since most of their commanders were loyal to the "triumvirate", Malik Mahmud, Zaini Abdullah, and Zakaria Saman, who were believed to be the representatives of Hasan Tiro (interview with Amir, GAM commander in North Aceh, 2005). The success of GAM in maintaining their cohesiveness – not an easy task for them – while reformulating their goals, had contributed to one of the key successes of the peace process in Helsinki. The domination of the dovish group in the central power of the GoI and the cohesiveness of GAM made communication between Jakarta, Helsinki and Stockholm more open, easier and more successful in building confidence among them. There were figures, such as Farid Husain and Juha Christensen, who actively mediated the communications with inter-dovish links and both built motivation for the GoI and GAM as well as transmitting the optimism to the

larger group outside of the doves that included the politicians in Jakarta, the civil society, and the GAM commanders or leaders in the jungle or in prisons (Husain, 2007).

6.6 The Tsunami Effect on Peace-Building

Based on many statements in the public space, most people commonly believed that the tsunami had pushed the conflict transformation in Aceh, however, some analysts (Waizenegger, 2007; Lindell & Prater, 2003; Hoffman & Oliver-Smith, 2002) found that pre-disaster political trends affected the conflict outcomes after the disaster. Yudhoyono had brought a new democratic environment to Aceh and Indonesia, which, in turn, supported the peace process. However, the research also found that the tsunami factor had contributed to the conflict transformation process in Aceh rather than affecting the peace process initiative or negotiation. The presence of hundreds of agencies in rebuilding Aceh with more than 4 billion USD of humanitarian aid supported by 34 countries had directly affected the peace building process.

According to Mustafa Abubakar, Aceh's ad interim governor (2005–2006), the total funds needed for post-conflict recovery amounted to approximately 250–350 million USD, and the provincial government only received 25 million USD in 2005 and 65 million USD in 2006 (*Kajian Mengenai Kebutuhan Reintegrasi GAM*, 2006)). However, to fill the gap for the post-conflict program, the Head of BRR (*Badan Rehabilitasi dan Rekonstruksi for Aceh and Nias* or the Aceh–Nias Reconstruction and Rehabilitation Agency) Kuntoro Mangkusubroto stated in the Coordination Forum for Aceh and Nias-3 (CFAN-3, 2007) that BRR would expand its programme to non-tsunami affected areas and non-tsunami victims to support post-conflict development. This policy responded to the problem of post-conflict funds including support of the reintegration program in empowering conflict victims and former combatants in the social and economic sectors.

The post-tsunami funds contributed significantly to the post-conflict development, especially in the socio-economic sector through livelihood programs. Compared to the post-tsunami response, the funds for the peace-building program consisted of a small amount. For example, the European Commission as the key player in the Aceh peace process granted less than 0.25% from the total amount of the tsunami funds. The post-conflict funds included provision for the program for reintegration of

former combatants, police training, election observation, technical support and assistance for the local government.¹⁸ According to the World Bank report, the total amount for the peace-building programme in Aceh was estimated to be as much as USD 895.1 million, or one-seventh of the amount that was spent on the tsunami reconstruction efforts.¹⁹

6.7 The Failure of the CoHA as the Ripe Moment for the Helsinki Process

The Helsinki MoU was not an instantaneous kind of output. Instead, it was a long process that had started in 1999. We cannot simply understand the sustainability of peace by learning about the success of the peace process in Aceh based on the Helsinki process alone and disregard the failure of the CoHA. The unique and remarkable peace process between the GoI and GAM in Aceh had provided broader insights into the dynamics of a peace process: the success, the failure, and the factors and the condition influencing the results and the outcome. The Aceh peace process undoubtedly offers a useful lesson for policy makers, peace practitioners, analysts and those involved in peace process, conflict resolution and peace-building efforts to draw the strategies, and effective approaches to achieve a sustainable peace.

The failure of the CoHA was the beginning of the ripeness process that made both parties ready for peace. From the CoHA, the GoI, GAM and CMI, one could learn the crucial points that enabled them to hold successful negotiations, as shown in Table 6.6.

Table 6.6 Lessons learnt from the CoHA

CoHA	Helsinki MoU
<p><i>Issue:</i></p> <ul style="list-style-type: none"> - <i>Clear direction toward political settlement</i> <ul style="list-style-type: none"> - <i>Clear mechanism</i> - <i>Clear interpretation on the step of agreement implementation</i> 	
The negotiation started with the ceasefire approach.	The negotiation process was based on the special autonomy, as consequences:

¹⁸ The total disbursement for rehabilitation and reconstruction by European Commission amounts to USD 218,158,725 (BRR Data and Information Centre, in collaboration with UNORC).

¹⁹ See more details on Multi Stakeholder Review of Post Conflict Programming in Aceh: Identifying the Foundation of Sustainable Peace and Development in Aceh, 2008.

	<ul style="list-style-type: none"> - The negotiation was focused on specific issue on the frame of special autonomy. - The negotiation process could be conducted effectively in six months.
Some of provisions in the CoHA have been interpreted differently by both parties included the meaning of “autonomy as starting point”, “storage of GAM weapons”, “peace zone”, and “election”.	The Helsinki MoU defines each provision strictly and clearly, including the number of GAM’s weapons that need to be destroyed, the amount allocated for compensation to former combatants and conflict victims, the time frame for the reintegration process, and for local elections.
<p style="text-align: center;"><i>Mediator position:</i></p> <ul style="list-style-type: none"> - <i>Clear mandate and support from both parties</i> - <i>Separation between mediator role and third-party guarantor</i> - <i>Mediator leverage</i> 	
The HDC was invited as the facilitator for humanitarian dialogue between the GoI and GAM.	The GoI officially invited the CMI to mediate peace talks on the basis of the special autonomy.
The HDC was involved as the third-party guarantor in implementing Humanitarian Pause and the CoHA.	The CMI was not involved in monitoring of the agreement, but the Aceh Monitoring Mission took the role as the third-party guarantor.
As a new NGO and without any strong figure in the mediator team, the HDC had less power to pressurize the GoI and GAM in terms of the negotiation process and implementation.	With the leverage of Ahtisaari, the CMI was able to mediate the dialogue effectively and both parties respected on his role.
The HDC actively approached international agencies, including the World Bank, USAID, and JICA, to participate in the post-conflict program.	The CMI limited his role in the post-agreement activities.
<p style="text-align: center;"><i>Media coverage:</i></p> <ul style="list-style-type: none"> - <i>Policy on media coverage</i> - <i>Public access to information</i> 	
During the CoHA process, both parties actively talked or made propaganda through the media, and sometimes the polemics in the media influenced the peace talk and affected the trust building.	The CMI strongly suggested that the parties should not talk to the media; all information related to the peace talk was managed by the CMI.

Even though the Helsinki agreements succeeded in bringing lasting peace for one decade now, some crucial provisions have still not been implemented, including ratifying the draft of Government Regulations (*Rancangan Peraturan Pemerintah*) on

oil and gas. This condition is due to the fact that the Government of Aceh and the GoI have not yet reached a mutual understanding related to the sharing of oil and gas production. The economic factor, especially in revenue sharing between Aceh and the central government, was one of the key issues that had created the long and violent conflict in Aceh in the first place, since the exploration of oil and gas in Lhokseumawe in the early 1970s.

In addition, the government has not passed legislation on establishing a Commission for Truth and Reconciliation (TRC) to formulate and determine reconciliation measures. Most of the conflict victims demanded the government to implement the TRC in Aceh so as to enable it to deliver justice and truth for the people (Interview with Zulfikar Muhammad, Director of Koalisi NGO HAM, held in Banda Aceh, 2012). During the author's involvement in the peace process, he did not find any comprehensive approach to the Komisi Kebenaran dan Reconciliation (Truth and Reconciliation Commission) as well as CMI conducted by both parties. There is a tendency to maintain the peace spirit today and in the future rather than to discuss the issues that could undermine the peace. As President Ahtisaari said, sometimes we have to choose between peace in the future or justice in the past (Personal interview with Ahtisaari in Banda Aceh, 2009).

6.8 Conclusion

This section has examined the various factors that affected the durability of the Helsinki MoU. These factors form a continuous process that started at the very crucial stage of the DDR phase. The durability was most likely influenced by, first, how clearly the mechanism within the peace agreement arranged the DDR processes, and second, the strength of the position of the guarantor for acceptance by the conflicting parties. The success of the DDR process subsequently influenced the political transformation when in the Helsinki MoU there was a ratification of the Law on the Governing of Aceh and provincial elections to vote for the governor and heads of districts. In contrast, the CoHA failed from the beginning of the DDR process and lost the opportunity for political transformation.

The achievement of democratic consolidation was an important factor that enabled the application of conflict transformation in 2005, in that the GoI was able to

compromise on political issues that included the permission for an independent candidate and later for local political parties to accommodate GAM's political interests. Without the achievement of democracy, it would not have been easy to fully implement the special autonomy as agreed in Helsinki, and make the peace durable.

However, despite these factors, the political spectrum, such as the central coalition, civil military relationship and the cohesiveness of GAM had made an impact on the DDR processes and political transformation. In the case of the Helsinki MoU, Yudhoyono and Kalla were able to consolidate the central coalition of the dovish parties, whether from military or political actors in parliament, to support the implementation of the agreement. The central coalition became stronger after the tsunami had devastated Aceh and the presence of international actors as well as huge post-tsunami recovery funds contributed to the peace-building process. In contrast, the dynamics of the support for the CoHA process was also determined by the effectiveness of the peace agreement, and GAM's acceptance of the special autonomy as the permanent political solution. Based on the HDC review (2003), it stated that Megawati's cabinet was split on the decision of negotiation with GAM, and the decision to continue the peace talks could only be made if GAM accepted the special autonomy as the framework of dialogue. During the last meeting of the CoHA on 18 May 2003, it had become clear that in order to maintain support for the CoHA in Jakarta, GAM needed to declare publicly and explicitly their acceptance of the special autonomy and stop struggling for independence (*HDC Internal Review*, 2003).

CHAPTER 7

CONCLUSION AND SUMMARY

The road to achieving lasting peace is not easy. There are various conditions and factors in every step of a peace process that influence the durability of peace. The experience of Aceh represents a unique example of a peace process. This thesis has structured the peace process in Aceh to provide an understanding of the way the successful peace process was conducted. Based on the “readiness” theory (used as the core theory), it can be concluded that the success of the peace process depends on the perception of the conflicting parties in the existing conditions. These perceptions then drive their motivation to achieve the peace process. However, the perceptions of the GoI and GAM were influenced by various conditions that were interconnected in several layers of circumstances, both domestically and internationally, and in different phases of the peace process: the pre-condition, the negotiation process, and the final outcome of the agreement.

7.1 The Conditions

As explained in the previous chapters, every step in the peace process has its own key factors and conditions that influence its success. For example, the global trends at the international level had made GAM take different bargaining positions during the first and the second peace processes. When the first peace process started (2000–2003), the post-Cold War agendas mainly focused on human rights and the strengthening of democratization. This international condition was interpreted by GAM as an opportunity to raise the issue of Aceh independence. Through the propaganda phrase “Aceh’s independence is just a cigarette away”, GAM showed the confidence that the international community would support their struggle. GAM believed that since Aceh had had similar experiences as East Timor, especially in the case of gross human rights violations during 1989–1998, and because of the ‘disputes’ on the legal status of Aceh, it would be easy to justify Aceh’s right to independence.

However, the situation changed during the Helsinki process when the global agenda switched focus to the war against terrorism. Whereas the people, society and minorities were the focus of global attention in the post-Cold War period, in the post

9/11 (2001) setting (especially in the Acehese–Indonesian context) the position of a state or a nation became a more important issue than the people, community or ethnic minorities involved. This was reflected by the increased military and security cooperation between Indonesia and its US allies, while GAM was also being classified as a terrorist group by Megawati's presidency at the same time. The changes in international conditions brought GAM to the more realistic strategy: when they could not gain any significant political support for independence, changing its political goal to achieve the status of special autonomy for Aceh seemed more feasible.

The international conditions and their influence were also seen from the inter-connections made by the conflicting parties to the international actors. The case of Aceh and the change in international conditions may offer different results to other conflict areas such as Kosovo, where the US and its allies had supported the separation of Kosovo from Serbia, while a similar actor and mediator (Ahtisaari) had supported the unitary state of Indonesia, instead. Even though the dynamic relationship between international actors and parties in intrastate conflict is complicated, based on the lessons in the case of Aceh, this thesis concludes that the international conditions play an important role in forming the strategies of the conflicting parties. In other words, the influence of international conditions on the conflicting parties determines the relationship between the governments with foreign state actors. For example, the international condition for Aceh–Indonesia is different from Myanmar; whilst Aceh–Indonesia is close to the US and its allies, Myanmar is close to China, which means that the change in global conditions after 9/11 could not change the conflict dynamic between the Union Government of Myanmar and the ethnic groups inside Myanmar, unless there was intervention from China.

The research found that there were two aspects of international conditions that influenced the conflicting parties in the case of Aceh. First is the degree of dependence of the conflicting parties on international actors. The greater the dependence on international actors, the greater the effect of the international dynamics on the party's perception and actions. In the case of Aceh, both parties were very much dependent on the international conditions that affected their interests. For example, Indonesia's dependence on foreign economic aid after 1998 made the GoI commit to the democratization process and the respect for human rights, while GAM also perceived

that independence could only be obtained through international support. Second, the international condition effectively affected the conflict dynamic as long as it could affect the positional bargaining of the parties against one another. In this case, it was clearly perceived that the positions of the GoI and GAM in the negotiation processes had been weakened or strengthened according to the international condition after the independence of East Timor, the break-up of Yugoslavia, and the events of 9/11.

7.2 Internal Dynamics

As explained in the previous chapters, besides the perception of the parties, several identified factors affected the peace process. However, learning from the GoI's experience, the research concludes that when the new Presidents of Indonesia were willing to initiate the peace process, they also had to win the 'battle of the three rings': international, parliament and military. At the international level, the government ensured that no support from international actors was given to GAM. Accordingly, as long as the foreign countries supported the unitary state, the international intervention in internal conflicts could be avoided and this made the GoI's position politically stronger.

Furthermore, parliament is the institution through which the government obtained their political support from the political parties, especially after the agreement was signed because the substantial contents of the agreement need to be translated into the national law and ratified by the parliament. During the two peace processes in Aceh, the research examined how the support from the parliament to government policy had made an impact on the outcome of the agreement. Finally, the military was also crucial as the securitizing actor that effectively and directly influenced the peace processes. The role of the military in the case of Aceh is inseparable from its role in the national context, especially during Wahid's presidency when military reform was launched and its role in the Aceh conflict settlement was minimized. At the same time, Indonesia was facing potential disintegration that made the military become the key factor in protecting the unitariness of the nation. This condition had placed Wahid in a difficult position to run his peace agenda. However, effective civilian control over the military was shown during Yudhoyono's presidency. Yudhoyono had reduced the emergence of peace spoilers from 'the security first generals', who previously had successfully destabilized the CoHA.

At the local level, the author found that the consolidation of civil societies was an important step in the peace process, especially when the GoI and GAM did not have any plans to open peace negotiations. Specifically, civil societies had actively approached both parties and facilitated an informal dialogue between them. The first consolidation of civil societies that triggered a broader coalition started in February 1999 through the *Kongres Mahasiswa dan Pemuda Aceh Serantau* (Regional Congress of Youth and Students) where the author of the present study was one of the initiators. This forum recommended a referendum as the “democratic” solution, and then continued with a mass rally for a referendum in November 1999, which exploded the case of Aceh onto the national and international scene. At the same time, the public pressurized the GoI and GAM to open a peace dialogue. The role of civil societies was very important as a form of people’s diplomacy. Strengthening the peace support from national and local actors had created what Pruitt termed “the central coalition”: the broad coalition between the GoI and GAM that supported the peace process.

7.3 Trust, Back-Channel Dialogue, Media, and the Terminology

The next important conclusion concerns trust-building as the basis for negotiation and implementation of peace. It was found that one of the reasons why the CoHA could not yield a successful outcome was because the HDC as the mediator failed to build trust between the two parties. However, as for the Helsinki MoU process, trust was built from the beginning and during the pre-negotiation process. This effort was crucial considering the distrust of the GoI and GAM in the past.

According to Kalla, the success of the pre-negotiation process had contributed to the success of the peace talks. Pre-negotiation offered both sides the prospect to build trust and assurance since these factors were vital for successful negotiation. Cultivating trust and assurance leads to a change in the perception, image, and belief of both parties: from two violent opponents into two collaborating partners in building and implementing peace (Tomlin, 1989).

Furthermore, this thesis found the important function of back-channel communication in addition to the formal peace talks held between the GoI and GAM. During the peace process, Husain and Christensen played an effective role in conducting this back-channel communication. They managed to solve a variety of

communication and negotiation deadlocks by building ‘heart-to-heart’ communication through personal approaches. The back-channel communication had intensified the negotiation outside of the negotiating table and built a broader understanding concerning the interest and position of each party when they could not be solved in formal talks. The back-channel communication was not pursued in the CoHA, so the way in which both parties communicated was only limited to formal communications. The absence of back-channel communication at the CoHA was unfortunately replaced by the communication with the media in which the parties transmitted their positions and interests publicly. In contrast, the Helsinki peace talks gave very limited access to the media from the start, because the parties did not want the media to publish what was being negotiated until a final agreement was achieved. Accordingly, Kalla commented that “if we negotiate and the result is out in the newspaper tomorrow, then it can be messy and cause suspicion. It is important that negotiations remain closed until the end”, at the international Symposium of Peace in 2006 (*Kompas*, 30 September 2006).

Kalla’s statement was more than reasonable because certain sensitive issues negotiated during the talks could create a polemic if published by the media. In addition, the issue of GAM giving up their demand for independence and accepting the GoI’s proposal of special autonomy would have given an impression of GAM being the loser. The term self-government enabled them to save face in the negotiation process, even though, substantially, GAM did not have a concrete proposal other than changing the term from that of special autonomy to self-government. Unfortunately, this term was never even written in the Helsinki MoU. However, the research argues that although there was no substantial difference in the contents, it was important to find an alternative term or concept for the two proposals so that no-one would be seen to have lost although they accepted the opponent’s proposal.

7.4 Tsunami Funds and post-Agreement Dialogue

This thesis found that the tsunami had offered a great opportunity for peace settlement in Aceh, especially in the context of the implementation of the agreement. The funds of the tsunami recovery project also covered the peace-building projects that include livelihood and social reintegration of the former combatants and conflict-affected victims. In 2007, the *Badan Rehabilitasi dan Rekonstruksi Aceh* (National Agency for

the Rehabilitation and Reconstruction of Aceh) expanded their work coverage from the tsunami-affected areas to the whole of Aceh, which were classified as conflict-affected areas, such as the Gayo highlands in Central Aceh. The huge funds from the post-tsunami recovery project accelerated the peace-building efforts in Aceh, which was only one-seventh of the fund for the post-tsunami project (*Multi-Stakeholder Review of Post-Conflict Programming in Aceh: Identifying the Foundations for Sustainable Peace and Development in Aceh*, 2009).

Other lessons learnt from Aceh concerning the successful implementation of agreement were the informal post-agreement dialogue mediated by Juha Christensen and Farid Husain. After the short mandate of the Aceh Monitoring Mission (AMM) ended, Christensen and Husain took the initiative to continue the dispute settlement forum supported by the Interpeace – International Peace-building Alliance. Their work mainly focused on facilitating communication between the GoI and former GAM on the implementation of several articles of the Helsinki MoU, including establishing local political parties. The post-agreement dialogue was very effective in harmonizing the interpretation of the Helsinki articles. In 2011, the post-agreement dialogue was continued by the representatives from the Crisis Management Initiative (CMI) in Indonesia. During the post-agreement dialogue, Ahtisaari frequently visited Jakarta and Banda Aceh to give support to the implementation of the agreement.

7.5 The Special Autonomy and “Conditionality”

Hamid Awaludin (2007) wrote that although what the GoI had offered to GAM in Helsinki was not a new proposal, as most of the points had been covered by Act 18/2001 – the special autonomy for Aceh, GAM had rejected this law during the CoHA process. The substance of the law was then discussed during the negotiation process in Helsinki, and subsequently transferred to the Law on the Governing of Aceh, Act 11/2006, as the outcome of the Helsinki MoU. This thesis argues that even though the substance of the special autonomy had been proposed in 2001 (Act 18/2001), the key factor in its implementation was the acceptance by GAM.

Learning from Aceh, the permanent political solution (such as autonomy in separatist conflict areas) could not be fully implemented if it were still rejected by the rebel group. The autonomy or other political solutions must be negotiated by the rebel

group as the securitizing actor and not just implemented unilaterally by the government. Aceh's experience may serve as a reference to understand why in some conflict areas (such as West Papua, and other separatist conflicts) the special autonomy could not work effectively to solve the grievances, even though the central government had moved towards constructive changes. The answer is most likely because their policy was never negotiated with the rebel group.

7.6 Epilogue

The success or failure of the peace process is the output of interrelated factors. We cannot arrive at any clear understanding of this successful peace process without understanding the influencing conditions behind the motivations of both parties. Many peace activists have visited Aceh since 2005 to learn and to apply the Aceh model to other areas, including the study of the provision in the Helsinki agreement, the special autonomy model such as the division of authority and revenue sharing between the central government and Aceh. Nevertheless, attention or study devoted by scholars to the factors behind the Helsinki process is very rare, including the consolidation of democracy or the political dynamics, the military reform, the international context, and others. Most of peace activists even believe or perceive that the tsunami must have been the key factor behind the successful peace process.

From the complexity of the peace process, the author found that the perception of readiness and motivation to end the conflict was essentially the starting point for the success of the peace process in Aceh. However, the perception and motivation itself could not explain why a peace process is successful or failing as this requires an in-depth and comprehensive analysis that includes the analysis of the phases of peace processes, political conditions at the international, national and local level, intra-organizational dynamics and the mechanism and constituents of the peace agreement. All of these components are inter-connected and linked with the perception and motivation of the decision-makers inside the party. The readiness theory that was developed by Dean Pruitt stresses the physiological approach concerning the way the leader perceives the condition that motivates the peace process. This study tried to complement this approach by offering several institutional, structural and historical elements to the explanation of preparedness.

The perception concerning the current condition is a subjective view that tends to be related to the position and interests of the parties, while at the same time, the other groups outside the conflicting parties have a different perception of how to solve the conflict. As long as the current condition was perceived to give an advantage to the interest or position, the conflicting parties would continue their current decision until they faced the stalemate, whether it be a negotiation stalemate (the CoHA case) or a military one (martial law 2003–2004).

APPENDIX 1

Memorandum of Understanding
between
the Government of the Republic of Indonesia
and
the Free Aceh Movement

The Government of Indonesia (GoI) and the Free Aceh Movement (GAM) confirm their commitment to a peaceful, comprehensive and sustainable solution to the conflict in Aceh with dignity for all.

The parties commit themselves to creating conditions within which the government of the Acehnese people can be manifested through a fair and democratic process within the unitary state and constitution of the Republic of Indonesia.

The parties are deeply convinced that only the peaceful settlement of the conflict will enable the rebuilding of Aceh after the tsunami disaster on 26 December 2004 to progress and succeed.

The parties to the conflict commit themselves to building mutual confidence and trust.

This Memorandum of Understanding (MoU) details the agreement and the principles that will guide the transformation process.

To this end the GoI and GAM have agreed on the following:

1 GOVERNING OF ACEH

1.1 Law on the Governing of Aceh

1.1.1 A new Law on the Governing of Aceh will be promulgated and will enter into force as soon as possible and not later than 31 March 2006.

1.1.2 The new Law on the Governing of Aceh will be based on the following principles:

- a) Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration, except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution.
- b) International agreements entered into by the Government of Indonesia which relate to matters of special interest to Aceh will be entered into in consultation with and with the consent of the legislature of Aceh.
- c) Decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken in consultation with and with the consent of the legislature of Aceh.
- d) Administrative measures undertaken by the Government of Indonesia with regard to Aceh will be implemented in consultation with and with the consent of the head of the Aceh administration.

1.1.3 The name of Aceh and the titles of senior elected officials will be determined by the legislature of Aceh after the next elections.

1.1.4 The borders of Aceh correspond to the borders as of 1 July 1956.

1.1.5 Aceh has the right to use regional symbols including a flag, a crest and a hymn.

- 1.1.6 *Kanun Aceh* will be re-established for Aceh respecting the historical traditions and customs of the people of Aceh and reflecting contemporary legal requirements of Aceh.
- 1.1.7 The institution of *Wali Nanggroe* with all its ceremonial attributes and entitlements will be established.

1.2 Political participation

- 1.2.1 As soon as possible and not later than one year from the signing of this MoU, the GoI agrees to and will facilitate the establishment of Aceh-based political parties that meet national criteria. Understanding the aspirations of Acehnese people for local political parties, the GoI will create, within one year or at the latest 18 months from the signing of this MoU, the political and legal conditions for the establishment of local political parties in Aceh in consultation with Parliament. The timely implementation of this MoU will contribute positively to this end.
- 1.2.2 Upon the signature of this MoU, the people of Aceh will have the right to nominate candidates for the positions of all elected officials to contest the elections in Aceh in April 2006 and thereafter.
- 1.2.3 Free and fair local elections will be organised under the new Law on the Governing of Aceh to elect the head of the Aceh administration and other elected officials in April 2006 as well as the legislature of Aceh in 2009.
- 1.2.4 Until 2009 the legislature of Aceh will not be entitled to enact any laws without the consent of the head of the Aceh administration.

- 1.2.5 All Acehese residents will be issued new conventional identity cards prior to the elections of April 2006.
- 1.2.6 Full participation of all Acehese people in local and national elections will be guaranteed in accordance with the Constitution of the Republic of Indonesia.
- 1.2.7 Outside monitors will be invited to monitor the elections in Aceh. Local elections may be undertaken with outside technical assistance.
- 1.2.8 There will be full transparency in campaign funds.

1.3 Economy

- 1.3.1 Aceh has the right to raise funds with external loans. Aceh has the right to set interest rates beyond that set by the Central Bank of the Republic of Indonesia.
- 1.3.2 Aceh has the right to set and raise taxes to fund official internal activities. Aceh has the right to conduct trade and business internally and internationally and to seek foreign direct investment and tourism to Aceh.
- 1.3.3 Aceh will have jurisdiction over living natural resources in the territorial sea surrounding Aceh.
- 1.3.4 Aceh is entitled to retain seventy (70) % of the revenues from all current and future hydrocarbon deposits and other natural resources in the territory of Aceh as well as in the territorial sea surrounding Aceh.
- 1.3.5 Aceh conducts the development and administration of all seaports and airports within the territory of Aceh.

- 1.3.6 Aceh will enjoy free trade with all other parts of the Republic of Indonesia unhindered by taxes, tariffs or other restrictions.
- 1.3.7 Aceh will enjoy direct and unhindered access to foreign countries, by sea and air.
- 1.3.8 The GoI commits to the transparency of the collection and allocation of revenues between the Central Government and Aceh by agreeing to outside auditors to verify this activity and to communicate the results to the head of the Aceh administration.
- 1.3.9 GAM will nominate representatives to participate fully at all levels in the commission established to conduct the post-tsunami reconstruction (BRR).

1.4 Rule of law

- 1.4.1 The separation of powers between the legislature, the executive and the judiciary will be recognised.
- 1.4.2 The legislature of Aceh will redraft the legal code for Aceh on the basis of the universal principles of human rights as provided for in the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.
- 1.4.3 An independent and impartial court system, including a court of appeals, will be established for Aceh within the judicial system of the Republic of Indonesia.
- 1.4.4 The appointment of the Chief of the organic police forces and the prosecutors shall be approved by the head of the Aceh administration. The recruitment and training of organic police forces and prosecutors will take place in consultation

with and with the consent of the head of the Aceh administration in compliance with the applicable national standards.

- 1.4.5 All civilian crimes committed by military personnel in Aceh will be tried in civil courts in Aceh.

2 HUMAN RIGHTS

- 2.1 The GoI will adhere to the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.
- 2.2 A Human Rights Court will be established for Aceh.
- 2.3 A Commission for Truth and Reconciliation will be established for Aceh by the Indonesian Commission of Truth and Reconciliation with the task of formulating and determining reconciliation measures.

3 AMNESTY AND REINTEGRATION INTO SOCIETY

3.1 Amnesty

- 3.1.1 The GoI will, in accordance with constitutional procedures, grant amnesty to all persons who have participated in GAM activities as soon as possible and not later than within 15 days of the signature of this MoU.
- 3.1.2 Political prisoners and detainees held due to the conflict will be released unconditionally as soon as possible and not later than within 15 days of the signature of this MoU.

3.1.3 The Head of the Monitoring Mission will decide on disputed cases based on advice from the legal advisor of the Monitoring Mission.

3.1.4 Use of weapons by GAM personnel after the signature of this MoU will be regarded as a violation of the MoU and will disqualify the person from amnesty.

3.2 Reintegration into society

3.2.1 As citizens of the Republic of Indonesia, all persons having been granted amnesty or released from prison or detention will have all political, economic and social rights as well as the right to participate freely in the political process both in Aceh and on the national level.

3.2.2 Persons who during the conflict have renounced their citizenship of the Republic of Indonesia will have the right to regain it.

3.2.3 The GoI and the authorities of Aceh will take measures to assist persons who have participated in GAM activities to facilitate their reintegration into the civil society. These measures include economic facilitation to former combatants, pardoned political prisoners and affected civilians. A Reintegration Fund under the administration of the authorities of Aceh will be established.

3.2.4 The GoI will allocate funds for the rehabilitation of public and private property destroyed or damaged as a consequence of the conflict to be administered by the authorities of Aceh.

3.2.5 The GoI will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows:

- a) All former combatants will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
- b) All pardoned political prisoners will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
- c) All civilians who have suffered a demonstrable loss due to the conflict will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.

3.2.6 The authorities of Aceh and the GoI will establish a joint Claims Settlement Commission to deal with unmet claims.

3.2.7 GAM combatants will have the right to seek employment in the organic police and organic military forces in Aceh without discrimination and in conformity with national standards.

4 SECURITY ARRANGEMENTS

4.1 All acts of violence between the parties will end latest at the time of the signing of this MoU.

4.2 GAM undertakes to demobilise all of its 3000 military troops. GAM members will not wear uniforms or display military insignia or symbols after the signing of this MoU.

- 4.3 GAM undertakes the decommissioning of all arms, ammunition and explosives held by the participants in GAM activities with the assistance of the Aceh Monitoring Mission (AMM). GAM commits to hand over 840 arms.
- 4.4 The decommissioning of GAM armaments will begin on 15 September 2005 and will be executed in four stages and concluded by 31 December 2005.
- 4.5 The GoI will withdraw all elements of non-organic military and non-organic police forces from Aceh.
- 4.6 The relocation of non-organic military and non-organic police forces will begin on 15 September 2005 and will be executed in four stages in parallel with the GAM decommissioning immediately after each stage has been verified by the AMM, and concluded by 31 December 2005.
- 4.7 The number of organic military forces to remain in Aceh after the relocation is 14,700. The number of organic police forces to remain in Aceh after the relocation is 9,100.
- 4.8 There will be no major movements of military forces after the signing of this MoU. All movements more than a platoon size will require prior notification to the Head of the Monitoring Mission.
- 4.9 The GoI undertakes the decommissioning of all illegal arms, ammunition and explosives held by any possible illegal groups and parties.
- 4.10 Organic police forces will be responsible for upholding internal law and order in Aceh.
- 4.11 Military forces will be responsible for upholding external defence of Aceh. In normal peacetime circumstances, only organic military forces will be present in Aceh.

- 4.12 Members of the Aceh organic police force will receive special training in Aceh and overseas with emphasis on respect for human rights.

5 ESTABLISHMENT OF THE ACEH MONITORING MISSION

- 5.1 An Aceh Monitoring Mission (AMM) will be established by the European Union and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the parties in this Memorandum of Understanding.

- 5.2 The tasks of the AMM are to:

- a) monitor the demobilisation of GAM and decommissioning of its armaments,
- b) monitor the relocation of non-organic military forces and non-organic police troops,
- c) monitor the reintegration of active GAM members,
- d) monitor the human rights situation and provide assistance in this field,
- e) monitor the process of legislation change,
- f) rule on disputed amnesty cases,
- g) investigate and rule on complaints and alleged violations of the MoU,
- h) establish and maintain liaison and good cooperation with the parties.

- 5.3 A Status of Mission Agreement (SoMA) between the GoI and the European Union will be signed after this MoU has been signed. The SoMA defines the status, privileges and immunities of the AMM and its members. ASEAN contributing countries which have been invited by the GoI will confirm in writing their acceptance of and compliance with the SoMA.
- 5.4 The GoI will give all its support for the carrying out of the mandate of the AMM. To this end, the GoI will write a letter to the European Union and ASEAN contributing countries expressing its commitment and support to the AMM.
- 5.5 GAM will give all its support for the carrying out of the mandate of the AMM. To this end, GAM will write a letter to the European Union and ASEAN contributing countries expressing its commitment and support to the AMM.
- 5.6 The parties commit themselves to provide AMM with secure, safe and stable working conditions and pledge their full cooperation with the AMM.
- 5.7 Monitors will have unrestricted freedom of movement in Aceh. Only those tasks which are within the provisions of the MoU will be accepted by the AMM. Parties do not have a veto over the actions or control of the AMM operations.
- 5.8 The GoI is responsible for the security of all AMM personnel in Indonesia. The mission personnel do not carry arms. The Head of Monitoring Mission may however decide on an exceptional basis that a patrol will not be escorted by GoI security forces. In that case, the GoI will be informed and the GoI will not assume responsibility for the security of this patrol.
- 5.9 The GoI will provide weapons collection points and support mobile weapons collection teams in collaboration with GAM.
- 5.10 Immediate destruction will be carried out after the collection of weapons and

ammunitions. This process will be fully documented and publicised as appropriate.

- 5.11 AMM reports to the Head of Monitoring Mission who will provide regular reports to the parties and to others as required, as well as to a designated person or office in the European Union and ASEAN contributing countries.
- 5.12 Upon signature of this MoU each party will appoint a senior representative to deal with all matters related to the implementation of this MoU with the Head of the Monitoring Mission.
- 5.13 The parties commit themselves to a notification responsibility procedure to the AMM, including military and reconstruction issues.
- 5.14 The GoI will authorise appropriate measures regarding emergency medical service and hospitalisation for AMM personnel.
- 5.15 In order to facilitate transparency, the GoI will allow full access for the representatives of national and international media to Aceh.

6 DISPUTE SETTLEMENT

- 6.1 In the event of disputes regarding the implementation of this MoU, these will be resolved promptly as follows:
 - a) As a rule, eventual disputes concerning the implementation of this MoU will be resolved by the Head of the Monitoring Mission, in dialogue with the parties, with all parties providing required information immediately. The Head of the Monitoring Mission will make a ruling which will be binding on the parties.

- b) If the Head of the Monitoring Mission concludes that a dispute cannot be resolved by the means described above, the dispute will be discussed together by the Head of the Monitoring Mission with the senior representative of each party. Following this, the Head of the Monitoring Mission will make a ruling which will be binding on the parties.
- c) In cases where disputes cannot be resolved by either of the means described above, the Head of the Monitoring Mission will report directly to the Coordinating Minister for Political, Law and Security Affairs of the Republic of Indonesia, the political leadership of GAM and the Chairman of the Board of Directors of the Crisis Management Initiative, with the EU Political and Security Committee informed. After consultation with the parties, the Chairman of the Board of Directors of the Crisis Management Initiative will make a ruling which will be binding on the parties.

The GoI and GAM will not undertake any action inconsistent with the letter or spirit of this Memorandum of Understanding.

Signed in triplicate in Helsinki, Finland on the 15 of August in the year 2005.

**On behalf of the Government of the
Republic of Indonesia,**

Hamid Awaludin

Minister of Law and Human Rights

On behalf of the Free Aceh Movement,

Malik Mahmud

Leadership

As witnessed by

Martti Ahtisaari

Former President of Finland

Chairman of the Board of Directors of the Crisis Management Initiative

Facilitator of the negotiation process

APPENDIX 2

CESSATION OF HOSTILITIES FRAMEWORK AGREEMENT BETWEEN GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE FREE ACHEH MOVEMENT

Preamble

The Government of the Republic of Indonesia (GOI) and the Free Aceh Movement (GAM) have been engaged in a process of dialogue since January 2000 and concur that the priority in Aceh is the security and welfare of the people and therefore agree on the need for finding an immediate peaceful solution to the conflict in Aceh. On 10 May 2002, the GOI and GAM issued a Joint Statement set out below:

1. On the basis of the acceptance of the NAD Law as a starting point, as discussed on 2-3 February 2002, to a democratic all-inclusive dialogue involving all elements of Acehese society that will be facilitated by HDC in Aceh. This process will seek to review elements of the NAD Law through the expression of the views of the Acehese people in a free and safe manner. This will lead to the election of a democratic government in Aceh, Indonesia.
2. To enable this process to take place both parties agree to work with all speed on an agreement on cessation of hostilities with an adequate mechanism for accountability of the parties to such an agreement. This will also provide the opportunity and environment for much needed socio-economic and humanitarian assistance to the people of Aceh.

The GOI and GAM share the common objective to meet the aspirations of the people of Aceh to live in security with dignity, peace, prosperity, and justice. In order to meet the aspirations of the people of Aceh and permit them to administer themselves freely and democratically, the GOI and GAM agree to a process which leads to an election in 2004 and the subsequent establishment of a democratically elected

government in Aceh, Indonesia, in accordance with the review of the NAD Law, as provided for in point 1 of the 10 May 2002 Joint Statement.

To this end, the GOI will ensure and GAM will support the development of a free and fair electoral process in Aceh, which will be designed to ensure the broadest participation of all elements of Acehnese society.

In light of the delicate nature of the confidence building process, the GOI and GAM further appeal for the support of all elements of society and request that no party undertake any action which is inconsistent with this Agreement and may jeopardize the future security and welfare of the people of Aceh.

The immediate requirement is to ensure the cessation of hostilities and all acts of violence, including, intimidation, destruction of property and any offensive and criminal action. Offensive and criminal action is deemed to include violent actions such as attacking, shooting, engaging in torture, killing, abducting, bombing, burning, robbing, extorting, threatening, terrorising, harassing, illegally arresting people, raping, and conducting illegal searches.

Throughout the peace process the maintenance of law and order in Aceh will continue to be the responsibility of the Indonesian Police (Polri). In this context, the mandate and mission of Brimob will be reformulated to strictly conform to regular police activities and as such will no longer initiate offensive actions against members of GAM not in contravention of the Agreement.

The JSC will be the point of reference for all complaints regarding police functions and action that are deemed to be in contravention of the spirit and letter of the Cessation of Hostilities (COH) Agreement. As such, the JSC will be responsible for defining, identifying and investigating when and if the police have breached their mandate.

With this general understanding, and to bring the peace process forward to the next phase, both parties hereby agree on the following:

Article 1: Objectives of the Cessation of Hostilities and All Acts of Violence

a) Since both sides have thus agreed that, from now on, enmity between them should be considered a thing of the past, the peace process, which is continued by an agreement on this phase, will proceed by building further confidence and both sides will prove to each other that they are serious about achieving this ultimate common objective.

b) The objectives of the cessation of hostilities and all acts of violence between both parties are (i) to proceed to the next phase of the peace process, as mutually agreed on 10 May 2002 in Switzerland; (ii) to continue the confidence building process with a view to eliminating all suspicions and creating a positive and co-operative atmosphere which will bring the conflict in Aceh to a peaceful conclusion; and, (iii) to enable, provided hostilities and all acts of violence cease, for the peace process to proceed to the next phases, i.e. the delivery of humanitarian, rehabilitation and reconstruction assistance.

Article 2: Commitment by Both Sides to Cease Hostilities and All Acts of Violence

a) Both sides explicitly express their commitment to meet the terms of this Agreement to cease hostilities and all forms of violence toward each other and toward the people in Aceh, by implementing the steps stipulated in this Agreement. In expressing such commitment, both sides guarantee that they are in full control of, respectively, TNI/Polri and GAM forces on the ground. The GOI and GAM commit to control those groups that do not share their objectives but claim to be part of their forces.

b) Both sides further commit themselves to immediately after the signing of this Agreement to thoroughly inform their respective forces on the ground of the terms of this Agreement, and to instruct them to cease hostilities immediately.

c) Both sides agree that, should there be other parties taking advantage of the situation and disturbing the peaceful atmosphere, they will endeavour to take joint action against them to restore the peace.

- d) During this confidence-building period, both sides agree that they will not increase their military strength, which includes re-deployment of forces, increase in military personnel or military equipment into Acheh.
- e) HDC is requested to strictly facilitate the implementation of this Agreement.
- f) Both parties will allow civil society to express without hindrance their democratic rights.

Article 3: Joint Security Committee (JSC)

- a) The senior leadership in charge of security from each side will meet, in order to establish the initial contact and understanding between both sides. They should also (i) reactivate the Joint Security Committee (JSC), which was established during the implementation of the Humanitarian Pause, and (ii) commence discussion, in order to reach agreement expeditiously, on a plan of action for the JSC in discharging its duties.
- b) The functions of JSC are: (i) to formulate the process of implementation of this Agreement; (ii) to monitor the security situation in Acheh; (iii) to undertake full investigation of any security violations; (iv) in such cases, to take appropriate action to restore the security situation and to agree beforehand on the sanctions to be applied, should any party violate this Agreement; (v) to publish weekly reports on the security situation in Acheh; (vi) to ensure that no new paramilitary force is created to assume previous functions of Brimob, and (vii) to design and implement a mutually agreed upon process of demilitarisation. Regarding this last task, the JSC will designate what will be called Peace Zones (see Art. 4(a)). After peace zones have been identified, the GAM will designate placement sites for its weapons. Two months after the signing of the COH and as confidence grows, GAM will begin the phased placement of its weapons, arms and ordinance in the designated sites. The JSC will also decide on a simultaneous phased relocation of TNI forces which will reformulate their mandate from a strike force to a defensive force. The GOI has the right to request HDC to undertake no-notice verification of the designated sites. With the growth in confidence of both parties in the process the phased placement of GAM weapons will be completed within a period of five months (see attached note).

- c) The composition of JSC will be senior officials appointed as representatives of the GOI and the GAM and a senior third party personality of high standing agreed upon by both sides. Each senior official from the three parties are to be accompanied by up to four persons as members. The heads of delegations from both sides have to be senior and have the authority to be able to take decisions on the spot. The third party (HDC) personality needs to be able to command the respect and high regard of both sides in order to be able to assist in resolving problems, as they arise.
- d) In order to perform these functions, the JSC is to be assisted by a monitoring team or monitoring teams, which would be provided security guarantees by both sides in monitoring the security situation and in investigating any violation.
- e) The composition of each of the monitoring teams are appointed officials as representatives of the High Command of the security forces of the GOI and the High Command of the forces of the GAM in Aceh and a senior third party military officer agreed upon by both sides reporting to the senior third party personality of high standing in the JSC.
- f) JSC and the monitoring team(s) would be provided with the necessary technical and administrative staff and logistical support. The HDC is requested to facilitate the establishment of these bodies by providing the necessary funds, logistical and administrative facilities.
- g) It is agreed upon that the JSC and the monitoring team(s) will be established and be operational within one month of the signing of this Agreement. Civil society has the right to provide inputs to the JSC.

Article 4: Establishment of "Peace Zones"

- a) Following the signing of the COH Agreement, the JSC, with the direct participation of the senior leadership for security from both sides, will immediately identify and prepare locations of conflict to be designated as "Peace Zones". This would facilitate considerably the work of the JSC since it could focus its attention on these areas in establishing and maintaining security, and these zones, provided peace could be

established, will be the focus of the initial humanitarian, rehabilitation and reconstruction assistance.

b) For the first two months after the signing, both parties will relocate to defensive positions as agreed upon by the JSC. Adjustments to these locations could be made by the JSC in order to separate the forces of both parties with sufficient distance to avoid contact or confrontation. Forces of both parties will refrain from operations, movements, activities or any provocative acts that could lead to contact or confrontation with each other.

c) In order to build trust and confidence during these crucial months, these zones and surroundings will be monitored by the tripartite monitoring teams. The JSC will be informed by both parties of any significant movements or activities in these areas.

d) POLRI will be able to investigate criminal activities in these areas in consultation with the JSC.

e) The designation of identified areas of demilitarised zones such as schools, mosques, health institutions and public places, bazaars, Acehnesse *meunasahs*, market-places, food stalls, communication centres including bus-terminals, taxi-stations, ferry-terminals, public roads, river transportation services, and fishing ports.

Article 5: Time Frames

a) Both sides agree that hostilities and all acts of violence by both sides should cease forever in Aceh.

b) Both sides also agree that hostilities and all acts of violence during the first three months from the time when the JSC and the monitoring team(s) become operational are very crucial as indicator of the seriousness of the commitment from both sides. If indeed hostilities and all acts of violence could decrease dramatically, or even cease altogether, during this first three month period, the Acehnesse and other Indonesian people, and the international community, would consider that the peace process would most likely succeed.

c) During the period between the signing of this Agreement and the time when the JSC and the monitoring team(s) become operational, both signatories to this Agreement commit themselves to exercise the utmost restraint by not making any public statement that would inflame the feeling and sentiment of the other side, including the people, and by ensuring that their forces will not initiate any hostile act toward the other.

Article 6: All-Inclusive Dialogue

The parties agree to support the process of All-Inclusive Dialogue in Aceh as provided for in the Joint Statement of 10 May 2002. The parties agree to ensure, through this Agreement, the necessary security and freedom of movement for all participants in the All-Inclusive Dialogue to enable the process to be conducted in a safe and fair manner, reflecting the views of all elements of Acehese society. The parties reconfirm their agreement that the process of All-Inclusive Dialogue be facilitated by the HDC.

Article 7: Public Information and Communications

a) To ensure national and international support for the peace process in Aceh, the Agreement of 10 May 2002, and this Agreement and its implementation have to be publicised as widely as possible within one month of the signing of this Agreement. The process of implementation has to be as transparent as possible and the people have to be regularly informed of the progress made and difficulties encountered.

b) Communications to the public will be given priority, especially through the print and electronic media. Television and radio programmes have to be devised to enable obtaining inputs from the general public provided that they are conducted in a fair and balanced manner. The JSC remains the final reference on this matter.

c) Other media, such as community meetings, seminars, flyers, bumper stickers, T-shirts, and others could also be considered, as appropriate.

d) The HDC is requested to look for sources of funding these public information and communication activities.

Article 8: Joint Council

A Joint Council will be established, composed of the most senior representatives of the GOI and the GAM, and of the third party (HDC). The function of this Joint Council will be to resolve all issues or disputes arising out of the implementation of this Agreement, which cannot be resolved by other Committees or Structures established under this Agreement. The Joint Council may amend the articles and provisions of this Agreement.

Article 9: Amendment or Termination

This Agreement may only be amended by agreement between the two parties in the Joint Council. Should either party wish to unilaterally terminate the Agreement then they are obligated to first bring the issue to the Joint Council and engage in and support all efforts by the Joint Council to resolve the problem within a sufficient period of time (no less than 30 days). If the Joint Council is unable to resolve the matter, then either party has the right to unilaterally withdraw from the Agreement.

**For the Government of the
Republic of Indonesia
Amb. Mr. S. Wiryono**

**For the Leadership of the
Free Aceh Movement
Dr. Zaini Abdullah**

**Witnessed by
Henry Dunant Centre
for Humanitarian Dialogue (HDC)
Mr. Martin Griffiths**

Explanatory Note for Article 3b

This note is intended as HDC's interpretation of the clauses in the Framework Agreement relating to GAM weapons (Article 3) and provides guidance in the manner to carry out the responsibilities assigned to the HDC in that part of the Agreement.

By this Agreement the GAM has agreed to place its weapons in designated sites according to the time period outlined in Article 3b. These sites will be designated by GAM and their location communicated to HDC.

It is our interpretation that under the agreed upon system, GAM will not be able to move the weapons that have been placed in the designated sites without the consent of HDC. GAM has to comply with the request of HDC to conduct no-notice inspections at any time.

HDC will keep the JSC informed of the results of these visits i.e. that the sites visited contain the weapons placed there and whether they continue to remain in the designated sites. Any breach will be communicated to the JSC.

Martin Griffiths

Director

Henry Dunant Centre for Humanitarian Dialogue

Geneva, Switzerland

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